

**MINUTES OF THE MEETING OF THE CITY COUNCIL**

Wichita, Kansas, October 21, 2003  
Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Karen Schofield, City Clerk; present.

Nabil Seyam, from the Muslim Community Center gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of October 7, 2003, were approved 7 to 0.

**AWARDS AND PRESENTATIONS**

**PROCLAMATIONS** Proclamations previously submitted were presented.

**AVIATION FEST.** **RECOGNITION OF AVIATION FESTIVAL CAPTAINS.**

Mayor Mayans Mayor Mayans recognized and thanked the Aviation Festival Captains.

**PUBLIC AGENDA****KING DAVID DAVIS-GAMING.**

King David Davis King David Davis spoke against the possibility of gambling casinos being permitted in the City.

**UNFINISHED BUSINESS**

**ALTERNATIVE REV** **ALTERNATIVE REVENUE TASK FORCE.**  
**TASK FORCE**

Janet Harrah Director for the Center for Economic Development and Business Research reviewed the item.

Agenda Report No. 03-1064

The City of Wichita, like most cities across the nation, is facing the challenges of continuing quality services in an environment of limited resources. State budget cuts, along with a declining economy places the City in a position of either reducing programs/services or finding alternative sources of funding.

On April 1, 2003, the City Council authorized a special Alternative Revenue Task Force to evaluate the current fees/charges and to make recommendations on how to fund non-essential and selective services (as an alternative to an increase to the property tax). Many charges and fees for non-essential services (e.g. parks, recreational sports facilities, licenses, rentals and other user charges) have not been adjusted in decades. Current charges/fees do not cover the cost of these services or the administration of the fees.

The Alternative Revenue Task Force members participated in weekly, 90-minute meetings that commenced on June 17, 2003 and concluded on September 2, 2003. During the course of these

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meetings City staff introduced a variety of possible revenue sources, including increasing Park and Recreation fees to reduce General Fund subsidization, and updating various licensing and other miscellaneous fees.

The Alternative Revenue Task Force was provided an overview of all of the City's major revenue sources. Those sources include local sales tax; enterprise fees; gas tax; property tax; assessments; the motor vehicle tax; user fees; and other revenues. A comprehensive review of all revenue sources was beyond a manageable scope of work for the Task Force. As a result, the Task Force limited its review to a discussion of a new vehicle rental car tax, park and recreation fees, primarily associated with sports play and miscellaneous fees and licenses.

Due to the complexity of the assignment, the Task Force determined the best way to recognize all revenue sources was through the development of Recommended Revenue Policies for the City of Wichita. The Recommended Revenue Policies were constructed so that the City has a framework to establish fees, rates and charges associated with the delivery of City services. The Recommended Policy supports the diversification of revenues and provides general guidelines for Charges for Services and for fees associated with the operation of Enterprise Funds.

The Task Force did provide more specific policy statements that focus on Park and Recreation services, Office of Central Inspection permits, and other license and permits issued by the City of Wichita. The policy statement also addresses the need to derive revenue from surplus real property sales and intergovernmental sources.

The Alternative Revenue Task Force recognized that the Recommended Revenue Policies are broad statements and in many instances there is a need for more specificity. To assist with implementation of the policies, the Task Force created Recommended Practices for Implementing Charges for Services. Finally, the Task Force discussed the vehicle rental car tax. It did not make a recommendation on whether to initiate a vehicle rental car tax, but instead compiled a list of pros and cons relating to implementation of such a tax.

Implementing the Recommended Revenue Policies along with Recommended Practices for Implementation of Charges for Services will assist the City with reducing its reliance on the property tax to subsidize special services and utilizing other sources of revenue to support selective government services.

The City Council has the authority to increase fees and charges.

- |                               |  |
|-------------------------------|--|
| Council Member Martz          | Council Member Martz asked if fees for a local resident would be less than it would be for a non-resident.   |
| Janet Harrah                  | Janet Harrah stated that they would implement something like that and would leave it to staff to recommend the levels regarding fees.  |
| Motion--                      | Mayans moved that the report be received and filed.  |
| Council Member Fearey         | Council Member Fearey expressed concern with receiving and filing this report and what will happen to it next. Stated that she would prefer that the Council receive and file the report but then put it on a future workshop agenda so that the Council Members can discuss it and see if they want staff to develop a policy and some of the cost recovery benefits to the City. |
| Amended Motion--<br>--carried | Mayans moved to amend the motion to receive and file the report and refer to a workshop. Motion carried 7 to 0.  |

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**PROPOSED ASSESS. PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR PAVING 31ST STREET NORTH, BETWEEN HOOD AND ARKANSAS. (DISTRICT VI)  
(CONTINUED FROM OCTOBER 7, 2003)**

Steve Lackey

Public Works Director reviewed the item.

Agenda Report No. 03-1065

On October 7, 2003, the City Council deferred action on approving the proposed assessment for paving 31st Street North, between Hood and Arkansas Avenue, so that staff could develop alternative funding options.

The petition for the project was approved by the City Council on June 1, 2000, with a \$367,000 estimate (exclusive of finance costs) and an escalator of 1% per month. The estimate escalator is typical of all City petitions. The notice letter mailed to all affected property owners prior to the City Council hearing included the project estimate and an explanation of the 1% per month escalator. The actual project cost is \$497,973, including finance costs of \$8,533 and \$21,018 for driveway direct assessments.

The primary reasons for the increase is due to the cost of a storm water sewer needed to provide adequate drainage. The drainage cost estimate in the petition totaled \$32,000. The actual drainage cost amounted to \$175,215. Prior to the establishment of the Storm Water Utility, drainage improvements in developed areas were paid 50% by special assessments and 50% by the City at Large. Eleven (11%) or \$52,465 of the cost (excluding driveways) is being paid out of the City budget for intersection paving.

(1) Approve assessments per current policy.

Petition Est.	Actual Cost	Funding
\$310,610	424,490	Special Assessment (\$113,880 difference, Est./Act.)
18,000	21,018	Driveway Direct Assessment
<u>38,390</u>	<u>52,465</u>	General Obligation
\$367,000	\$497,973	

(2) Increase City-at-Large share to pay 50% of the increase over the original \$367,000 estimate (excluding finance and driveway costs).

367,550	Special Assessment (reduced by 50% of \$113,880)
21,018	Driveway Direct Assessment
<u>109,405</u>	General Obligation
\$497,973	

Additional City funding toward this project cost would be taken from the Debt Service Fund.

The City Council has the authority under State law to determine the amount of project cost to be paid by the City-at-Large.

Mayor Mayans

Mayor Mayans inquired if anyone wished to speak and no one appeared.

Council Member Fearey

Council Member Fearey stated that if you drag a project on long enough and keep adding one percent a month, it could fit into whatever the estimate comes in at and this is why we try to give people an estimate that they can figure their finances on. Stated that she is very supportive of going with option two and having the neighborhood improvement fund pick up part of this cost.

Motion--

Council Member Fearey moved that the public hearing be closed; that funding option #2 be selected; the assessments and the Declaration of Emergency be approved; the necessary signatures be authorized; and the Ordinance be adopted on first reading. Motion carried 7 to 0.

--carried

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ORDINANCE NO. 45-45-879

(472-83271/490-762) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING 31ST ST NORTH, TO SERVE E.C. & L.R. COLE'S ADDITION TO CAREY PARK, TIMMERMEYER GARDENS, SCHLENDER & CASTER ADDITIONS AND UNPLATTED TRACTS IN SECTION 32, TWP 26, R1E. Fearey moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001 Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

**PAWNEE IMPROV.     IMPROVEMENT OF PAWNEE, WASHINGTON TO HYDRAULIC AND THE  
INTERSECTION OF PAWNEE AND WASHINGTON. (DISTRICT III)  
(CONTINUED FROM OCTOBER 7, 2003)**

Steve Lackey

Public Works Director reviewed the item.

Agenda Report No. 03-1066

On October 7, 2003, the City Council held a public hearing on projects to improve Pawnee, between Washington and Hydraulic and the intersection of Pawnee and Washington. The Council deferred action on the projects in order to review the alternative design concepts that were presented to the District III Advisory Board.

The Pawnee design concept options are:

- (1)        The roadway would be shifted to the north, with properties acquired on the north side of Pawnee. The distance from the new curb line to the right-of-way line is approximately 44' on the north and ranges from 22' to 32' on the south.

The additional right-of-way on the north side of Pawnee would be available for a landscaped buffer zone.

\$1,075,450	Right-of way
<u>1,539,850</u>	Construction
\$2,615,300	

- (2)        The roadway would be shifted to the south, with properties acquired on the south side of Pawnee. The distance from the new curb line to the right-of-way line is approximately 50' on the north and ranges from 31' to 108' on the south.

\$2,075,710	Right-of-way
<u>1,495,290</u>	Construction
\$3,571,000	

- (3)        The roadway would be centered on the section line, with properties acquired from both sides of Pawnee, between Laura and Ida. The distance from the new curb line to the right-of-way line is approximately 9' on the north and ranges from 7' to 9' on the south.

\$ 392,820	Right-of-way
<u>1,447,850</u>	
\$1,840,670	

- (4)        This is a variation of option 3, except the roadway is shifted slightly south in the section from Ida to Pattie. Properties would be acquired on the south between Ida and Pattie. The distance from the new curb line to the right-of-way line is approximately 9' on both sides of Pawnee, except on the west end of the south side where it extends to approximately 90'.

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\$ 631,240 Right-of-way  
1,440,660 Construction  
\$2,071,900

The options for improving the intersection of Pawnee and Washington are:

- (1) Provide three lanes on Washington at Pawnee.
- (2) Provide four lanes on Washington at Pawnee.

District III Advisory Board voted 9-0 to recommend option 1 for the Pawnee improvement and option 1 for the intersection improvement.

The budget contained in the 2004-2013 Capital Improvement Program workbook for the Pawnee, Washington to Hydraulic improvement is \$2,825,000, with \$1,600,000 paid by the City and \$1,225,000 paid by Federal Grants administered by the Kansas Department of Transportation. The budget contained in the 2004-2013 Capital Improvement workbook for the Pawnee and Washington intersection improvement is \$1,385,000 with \$625,000 paid by the City and \$760,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

- Council Member Gray Council Member Gray stated that one of the concerns that he has with going along with the option that was recommended, was because if the City went down the existing road and purchased the rights of way on each side, that it made the streets too close to the homes. Inquired about the option of going with the less expensive options and then building a concrete barrier wall down the sides. Stated that he is aware of what the cost would be for a six-foot concrete brick façade wall on both sides of the street running from Hydraulic to Washington.
- Steve Lackey Steve Lackey stated that would be an option but you would need to leave openings for the drive-ways and would think that you would not want to put walls up in front of the commercial properties. Stated that he doubted if the commercial businesses would want a wall in front of their businesses.
- Council Member Fearey Council Member Fearey inquired about the green space between the road and the houses and who would be responsible for maintaining it.
- Steve Lackey Steve Lackey stated that the City of Wichita would be responsible for maintaining the green space, which would be an on-going expense. Unless they could work with the neighborhoods and allow them to use certain portions of the green space if they would maintain them, which would be an option but has not been discussed at this time.
- Council Member Fearey Council Member Fearey inquired about what would happen if the City Council decided to delay this project until they went completely through and adopted the next year's CIP.
- Steve Lackey Steve Lackey explained that the only risk would be losing the grant funds.
- Mayor Mayans Mayor Mayans inquired if anyone wished to speak.
- Kevin Ferris Kevin Ferris at 2348 Ellis stated that he does not want to look out of his house and see a big brick wall. Stated that he has shut down his small business that he runs out of his home until he know what it going to happen. Stated that he needs to know along with everyone else in that neighborhood, what is going to happen. Mr. Ferris expressed his concerns with the property value dropping.
- Mayor Mayans Mayor Mayans asked Mr. Ferris which of the four options he would support.
- Kevin Ferris Kevin Ferris stated that he supports option one, moving the road to the north side.

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Motion--

Lambke moved that design option number (1) one for the intersection and option (1) one for the roadway be selected; the Ordinances be placed on First Reading; and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

## ORDINANCE

An Ordinance declaring Pawnee, Washington to Hydraulic (472-83858) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

## ORDINANCE

An Ordinance declaring the intersection of Pawnee and Washington (472-83859) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

## ADVERT. SIGNAGE

### ADVERTISING SIGNAGE (CITY-PROPERTY) POLICY. (CONTINUED FROM SEPTEMBER 16, 2003)

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 03-1067

The current City policy is not to allow placement of advertisement structures on City-owned property. At its September 16th meeting, the City Council considered this matter and directed that a policy governing such placements be brought to the City Council for review.

The issue before the City Council is whether or not to change its current policy from prohibiting placement of advertising structures on City-owned property; or to allow the leasing of City-owned land that is properly zoned for advertising.

The proposed policy provides that all such advertising shall conform to the current regulations existing for private property. In addition the policy would address the appropriateness of the location of the structure, the message content, and possible reviews (of sites) relative to special circumstances.

The policy provides that the City receive competitive lease rates for any properties deemed eligible for off-site advertisement structures. This could be established by notifying the outdoor advertisers and brokers about the potential sites and that the City will consider outdoor advertising on specific sites with consideration giving to zoning, sign spacing, and other restrictions dealing with road type, height, etc. Once this is achieved, Staff would be permitted to accept market rates.

Lease rates for advertising signs range from \$500 - \$1,500/month, depending on size, location, etc.

The City Council has the authority to allow such use on City property and to adopt such a policy to regulate the use. Following are the legal staff's comments/suggestions:

- 1) The Sign Code Ordinance (sec. 24.04.200(d) will need to be amended to allow signs on public property. Once amended, signs must comply with all code provisions.
- 2) The City may establish prohibited categories of signs based on content. Both the Policy and the lease provisions will need to be drafted and neutrally applied to all uses of a similar nature.

Council Member Fearey

Council Member Fearey asked if there is a map that shows where these sites are.

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- Chris Cherches Chris Cherches explained that there is a large map that is available that shows all of the zoning, which is light commercial, general commercial and light and general industrial as zones.
- Mayor Mayans Mayor Mayans inquired if anyone wished to speak.
- Greg Ferris Greg Ferris who resides at 144 South Big Country, stated that the locations that anyone would want to put up signage is very limited and the City Ordinances are very restrictive. Explained that this is not as controversial as cell towers because cell towers are allowed anywhere by City Code, you just have to go through the process. Billboards however, are only allowed in very limited situations.
- Motion -- Fearey moved that this item be deferred until the next City Council Meeting to give each of the Council Members a chance to look at the map. Motion carried 7 to 0.  
-- carried

## NEW BUSINESS

### **VERMILLION, INC. PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS-VERMILLION, INC. (DISTRICT IV)**

Allen Bell Director of Economic Development reviewed the item.

Agenda Report 03-1068

On September 16, 2003, the City Council approved a one-year Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$2,550,000, and approved a five-year 100% property tax exemption to Vermillion, Inc. The bonds will be used to refund the outstanding Industrial Revenue Bonds, Series III, 1998, and finance the cost of acquiring and installing new equipment to be located at 4754 S. Palisade in south Wichita. The company is now requesting the City to issue its Industrial Revenue Bonds in the amount of \$2,525,000.

Vermillion, Inc. is a Wichita corporation, which manufactures electrical and communication cables and wire harness assemblies for the aerospace and military markets. The company has been in business in Wichita, for over 30 years. Vermillion's products are sold to customers such as Boeing, Rockwell, Learjet, Raytheon, Vought Aircraft, Rockwell Collins, Honeywell Defense, Lockheed Martin, Hamilton Sunstrand and Sikorsky. Vermillion's products are sold throughout the U.S. A major use for Vermillion's products is for the upgrading of existing aircraft. To a lesser extent, the product is installed in new aircraft. All of Vermillion's products are used on aircraft sold to consumers outside of the State of Kansas.

The bonds will be underwritten and purchased by bond underwriting firm of Cooper Malone McClain, Inc. The firm of Hinkle Elkouri Law Firm, L.L.C. serves as bond counsel in the transaction. The sources and uses of bond proceeds are as follows:

#### SOURCES OF FUNDS

Par Amount of Bonds	\$2,525,000.00
Less Original Issue Discount	(13,100.00)
Company Cash	<u>209,252.48</u>
Total Sources	\$2,721,152.48

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## USE OF FUNDS

Redemption of 1998 Bonds	\$1,741,080.54
Purchase of Equipment	735,000.00
Underwriter's Discount	88,375.00
Bond Reserve	120,000.00
Costs of Issuance	32,500.00
Contingency	<u>4,196.94</u>
Total Uses:	\$2,721,152.48

Vermillion currently employs approximately 96 people and anticipates adding another 46 employees within the next five years. Vermillion has a current approved EEO/AA Plan on file with the City's Purchasing Department.

Vermillion agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The City Council has approved a 100% abatement of ad valorem taxes for a five-year term on the new equipment financed with bond proceeds.

At the time of the Letter on Intent, the City Council approved the extension of property tax exemption for a second five-years on property financed by a prior IRB, with the understanding that at least 46 new jobs are created during the five-year period. Provisions for payments-in-lieu-of-taxes are included in the bond documents, in the event the jobs are not created.

Bond documents needed for the issuance of the bonds have been prepared by Hinkle Elkouri Law Firm, L.L.C., the City's bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Motion--

Gray moved that the public hearing be closed; first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount of \$2,525,000 be approved and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

## ORDINANCE

An Ordinance of the City of Wichita, authorizing the issuance of \$2,525,000 aggregate principal amount of Industrial Revenue Refunding and Improvement Bonds, Series VI, 2003 (Vermillion Incorporated) for the purpose of providing funds to (1) refund on a current basis certain Industrial Revenue Bonds, Series III, 1998 (Vermillion Incorporated) of the City and (2) acquire and install certain new equipment to existing facility; prescribing the form and authorizing execution of a Trust Indenture by and between the City and the Southwest National Bank of Wichita, Wichita, Kansas, as Trustee; prescribing the form and authorizing the execution of a Lease of the project by and between the City and Vermillion Incorporated; approving the form of a Guaranty Agreement by and between Vermillion Incorporated as Guarantor, and the Southwest National Bank of Wichita, Wichita, Kansas as Trustee; authorizing the execution of a Bond Purchase Agreement between the City, Vermillion Incorporated and Cooper Malone McClain, Inc., Wichita, Kansas, as purchaser of the Series VI, 2003 Bonds, introduced and under the rules laid over.

## **NORTHEAST REDEV. DISTRICT REDUCTION OF NORTHEAST REDEVELOPMENT DISTRICT-TAX INCREMENT FINANCING. (DISTRICT I)**

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 03-1069

In 1997, the City Council took the necessary legal steps to establish the Northeast Redevelopment District for the purpose of generating tax increment financing for public improvements located within the district. The steps taken by the City Council established 1997 as the base year, from which the increase in property tax revenues (the tax increment) are measured. The scope of the redevelopment project in the Northeast Redevelopment district has been substantially reduced since the district was



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established. It is proposed to remove areas from the district that are no longer required for the redevelopment project. This requires changing the district boundaries.

The current boundary of the Northeast Redevelopment District is bounded on the north by 14th Street North, on the east by Green Street, on the south by 13th Street North, and on the west by N. Spruce Avenue. This area includes a large number of single-family residences and commercial buildings and a church. At the time the Redevelopment District was created, the developer, Power CDC, proposed the construction of a 60,000 square foot supermarket at this location. A development of this size would have required a two-block area, from Grove to Green, and the vacation of Poplar Street. Since that time, the developer has modified its plans and currently proposes developing a 15,000 square foot market on vacant property located on 13th Street between Grove and Poplar.

The proposed new boundaries for the Northeast Redevelopment District are shown on the map. The property within the proposed new boundaries includes only the property on which the developer plans to build the smaller supermarket.

The current Redevelopment District includes a large number of single-family residences. In 1997, the Kansas Legislature passed a law that exempts the first \$20,000 of residential property value from certain taxes. Under tax increment financing, this has the effect of reducing the tax increment available to pay redevelopment costs by \$20,000 for each residential property included in the district. The proposed new boundary removes the residential property from the district.

There is no financial impact to the City caused by the reduction in the size of the Northeast Redevelopment District.

State law allows cities to remove property from a redevelopment district by ordinance. The proposed Ordinance has been reviewed by the City's Law Department and approved as to form.

Mayor Mayans

Mayor Mayans inquired if anyone wished to speak.

Richard Perry

Richard Perry stated that he is representing the neighborhood where the tax increment and redevelopment is taking place. Mr. Perry read aloud a letter to the Council Members. Stated that 90 % of the residents in this area are disabled and are senior citizens. They are asking that eminent domain not be used on these residents because they cannot afford to relocate and their property values would drop. Stated that they agree that there needs to be a grocery store in this area but do not take away their homes. Mr. Perry is asking that the City Council take this into consideration.

Rev. Pete Henderson

Reverend Pete Henderson stated that his congregation is located at 13<sup>th</sup> Street and Grove. Stated that over the last six years the members of his community have heard rumors that the City of Wichita was going to come and take away their homes. Stated that he would like to encourage the Council to approve this ordinance.

Council Member Brewer

Council Member Brewer stated that we all agree that a grocery store and economic development is needed in this area. Explained that he does not think that anyone from this Council would have ever agreed to remove anyone from their home. Council Member Brewer apologized that the neighborhood has been put on hold for so long in trying to determine whether or not they were going to move or make home improvements.

Motion--  
--carried

Brewer moved that the first reading of the Ordinance establishing new boundaries for the Northeast Redevelopment District be approved. Motion carried 7 to 0.

## ORDINANCE

An Ordinance of the City of Wichita removing property from the Northeast Redevelopment District, introduced and under the rules laid over.

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## HIST. PRES. PARKING GARAGE

### APPEAL OF HISTORIC PRESERVATION BOARD ACTION REGARDING CONVERSION OF FIRST FLOOR COMMERCIAL SPACE TO PARKING GARAGE AT 221-23 EAST DOUGLAS - HPC2003-00141. (DISTRICT I)

Agenda Report No. 03-1070

The Historic Preservation Board (HPB) was requested to consider the redesign of the commercial storefront at 221-23 E. Douglas to allow for a first floor parking garage. The item was originally placed on the HPB's August 11, 2003, agenda at the request of the applicant. The applicant did not supply the documentation requested and did not appear at the meeting. The applicant did appear at the September 8 meeting and requested to be added as an off-agenda item. The board did vote to add the item to the agenda and reviewed the documentation presented by the applicant at the meeting. The board determined that there was not enough information presented to make a decision and voted (4-0) to send the applicant to the HPB's design review committee for final consideration. The applicant met with the design review committee on September 19, 2003.

The design review committee denied the application (4-0) as an inappropriate use of a first floor commercial structure within an historic commercial area. The decision was made according to K.S.A. 75-2715 – 75-2725, Standard and Guidelines for Environs Review, Standard #2, which states:

“The environs of a property should be used as it has been historically or allow the inclusion of new uses that requires minimal change to the environs’ distinctive materials, features, and spatial relationships.”

The HPB has a programmatic agreement with the State Historic Preservation Office to review applications for all properties individually listed or listed in historic districts in the state/national register of historic places. The City Council has review authority over the decision of the Historic Preservation Board, as provided for in K.S. A. 75-2724 and the City Code Section 2.12.1023(c), and (f). In order for the City Council to overturn the decision of the HPB, all relevant factors must be considered and it must find there is no “feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use.”

Mayor Mayans

Mayor Mayans stated that he had a request to pull this item off of the agenda.

Motion--carried

Brewer moved that this item be pulled and reviewed at a workshop. Motion carried 7 to 0.

## HILLSIDE IMPROV.

### HILLSIDE IMPROVEMENT, KELLOGG TO CENTRAL. (DISTRICTS I & II)

Neil Cable

City Engineer reviewed the item.

Agenda Report No. 03-1071

The 2002-2011 Capital Improvement Program (CIP) includes a project to reconstruct Hillside between Kellogg and Central. Districts I and II Advisory Boards sponsored neighborhood hearings on September 10, 2001, and September 17, 2001, to consider the project. Both Boards expressed support of the improvement. On December 11, 2001, the City Council approved the design concept and authorized acquisition of right-of-way.

The design concept provides for four through lanes and a center two-way left turn lane. Left turn lanes will be provided at the north and south approaches to the Hillside/Douglas, Hillside/1st Street and Hillside/2nd Street intersections. Construction is planned for 2004.

The estimated project cost is \$4,550,000, with \$2,100,000 paid by the City and \$2,450,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds. The original project is included in the approved 2002-2011 CIP for 2004 (\$800,000 GO, \$2,100,000 Federal). The revised project is included in the proposed 2004-2013

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CIP for 2004 (\$2,100,000 GO, \$2,450,000 Federal). The budget increase is due to increased right-of-way costs. Proceeding at this time will ensure the availability of matching Federal funds.

Mayor Mayans

Mayor Mayans inquired if anyone wished to speak.

Alan Peil

Alan Peil, administrator of Health South Imaging Center, which is at the corner of Hillside and English, expressed a few concerns. Stated that their driveway access comes off of English and is wondering if English will be blocked which will cause their patients detour through the neighborhood. The power situation is another issue of concern because their main power source is on a pole at this location and they need to maintain 24-hour power because of their equipment. Stated that he hopes this project will help fix the drainage problem and asked if this project will be done at once or in steps. Stated that he does support this project but would like his concerns addressed.

Neil Cable

Neil Cable explained that the City would maintain the traffic during the construction period, the power issue can be addressed by KGE, the drainage will be improved and the whole corridor will be under construction at one time.

Motion--  
--carried

Brewer moved that the project be approved; the Ordinance on be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

## ORDINANCE

An Ordinance declaring Hillside, from Kellogg to Central (472-83862) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

### **29<sup>TH</sup> STREET NORTH 29TH STREET NORTH IMPROVEMENT, FROM MAIZE TO TYLER. (DISTRICT V)**

Neil Cable

City Engineer reviewed the item.

Council Member Fearey momentarily absent.

Agenda Report No. 03-1072

The 2002-2011 Capital Improvement Program adopted by the City Council includes a project to improve 29th Street North, from Maize to Tyler. The District V Advisory Board sponsored a September 8, 2003, neighborhood hearing on the project. The Board voted 4-0 to recommend approval.

The proposal is to build a four-lane roadway with a landscaped median between Maize and Tyler. The intersection of 29th and Tyler will be reconstructed to provide left turn lanes at all four approaches. Construction is planned for 2004.

The estimated project cost is \$3,550,000, with \$1,180,000 paid by the City and \$2,370,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds. The original project is included in the approved 2002-2011 CIP for 2004 (\$1,130,000 GO, \$2,370,000 Federal). The revised project is included in the proposed 2004-2013 CIP for 2004 (\$1,180,000 GO, \$2,370,000 Federal).

Mayor Mayans

Mayor Mayans inquired if anyone wished to speak and no one appeared.

Motion--  
--carried

Martz moved that the project be approved, the Ordinance be placed on First Reading, and the necessary signatures be authorized. Motion carried 7 to 0.

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## ORDINANCE

An Ordinance declaring 29th Street North, from Maize to Tyler (472-83863) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

### HIST. PRESERV. FUND GRANT

### AUTHORIZE SUBMISSION OF HISTORIC PRESERVATION FUND GRANT PROPOSAL FY 2004.

John Schlegel

Planning Director reviewed the item.

Council Member Martz momentarily absent.

Agenda Report 03-1073

As a Certified Local Government (CLG), the City of Wichita is eligible to participate in the Historic Preservation Fund (HPF) Grant program administered by the Kansas State Historic Preservation Office to finance activities that will contribute to planning for the preservation of our built environment and archaeological resources. These proposals are for projects that the Historic Preservation Board has adopted as part of their annual work program. City Council action is needed to authorize the Mayor to sign the assurances required for submission of the grant proposal.

The grant is to provide funding for two projects:

- 1) Salary assistance to fund a part-time position to assist the Preservation Planner with activities carried out by the Historic Preservation Office. The federal grant for the position is \$37,520.00, which includes salary and required employment benefits.
- 2) Funding to update the Discover Historic Wichita! brochure and printing cost for approximately 8,000 pieces. This brochure is distributed by the Chamber of Commerce, Convention and Visitors Bureau, and Wichita-Sedgwick County Historical Museum. The federal grant for the update and printing is \$19,575.00.

HPF grants require a 40 percent match of the total project cost. The total cost is \$95,187 with federal match of \$57,095 and City match of \$38,092. City match is provided through staff time, there is no actual cash match.

Because the 40 percent City match exceeds \$10,000, City Council must authorize the Mayor to sign required documentation for proposal submission. The 40 percent match required for the grant is wages and benefits for Planning Department staff involved in the project.

Mayor Mayans

Mayor Mayans inquired if anyone wished to speak and no one appeared.

Motion--  
--carried

Mayans moved that the Mayor be authorized to sign the assurances forms included in the grant submission. Motion carried 7 to 0.

### SANITARY SEWERS

### NORTH AREA SANITARY SEWERS. (DISTRICT VI)

Dave Warren

Water and Sewer Administrator reviewed the item.

Council Member Schlapp momentarily absent.

Agenda Report No. 03-1074

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On February 12, 2002, the City Council approved a contract with Wilson & Company to determine the appropriate and most cost-effective means for providing sanitary sewer service to the North Area, which for study purposes is defined as the area roughly bound by Meridian Avenue on the west, Arkansas Avenue on the east, 61st Street North, and 37th Street N. The study determined that the most cost-effective way to serve this area would be with a vacuum sewer system. The sewer main will connect to an existing line near 37th Street N. and Arkansas Avenue, and will tie in with future projects.

Current interest is in the portion of the project that is west of the Little Arkansas River. Two developers and one property owner have signed a petition for sewer service, and a survey by Staff indicated that other property owners, may join the benefit district as the project becomes more definite. The District Advisory Board for District VI reviewed the proposal to serve the west area on May 5, 2003.

The City's Capital Improvement Program includes an ongoing project to extend sanitary sewer service to newly developing areas. The estimated maximum cost to construct the vacuum sewer system is \$2.75 million; however, the estimate may decrease when the design has been completed. Staff proposes that the cost of extending public sewers be shared on the basis of percentage of land petitioning in the service area (16%/84%). Under this proposal, the Sewer Utility would pay approximately \$2.32 million, which will be recovered from in lieu of assessment fees and/or future development petitions. The remaining \$430,000 will be paid by Special Assessments. The estimated rate of assessment to individual properties is \$0.05 per square foot.

City Council approval is required for all Capital Improvement Project expenditures.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion--carried

Fearey moved that the project be approved and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 03-563

Resolution of Findings of Advisability and Resolution authorizing improving of Main 15, Sanitary Sewer 23, 468-83682, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## PAYROLL SYSTEM

### HUMAN RESOURCE/PAYROLL SYSTEM/PERFORMANCE SERIES ACCOUNTING SYSTEM.

Kelly Carpenter

Acting Finance Director reviewed the item.

Agenda Report No. 03-1075

The City of Wichita uses two separate systems for management of human resource/payroll and financial functions. These systems have been in place for many years and are in need of upgrades to keep up with technology changes.

In 2000, the City of Wichita evaluated the feasibility of using a different approach for providing these functions. The concept of using an Enterprise Resource Planning (ERP) system was investigated as a potential replacement for the City's human resource/payroll system and/or the financial systems. ERP systems provide a single, tightly integrated system that provides human resource/payroll, financial, and resource planning functions. The major ERP solution providers were considered, but because the approximate implementation cost was a minimum of \$6 million, the decision was made to remain with separate single-purpose applications with custom designed integration.

An RFP was developed to evaluate the feasibility and costs of purchasing and implementing a totally new HR/Payroll system. Cost ranged from a minimum of \$800,000 to \$2.5 million. All proposals required massive involvement of City staff, disruption of operations and significant process changes.

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As a result of these studies and efforts, the best course of action was to remain with the existing Human Resource Information System/Payroll System (HRIS/Payroll) and Financial systems as long as technically feasible and as long as the systems were able to provide required functionality. Technology and market forces now require an investment in the existing systems to provide a stable and sustainable function into the future to support City governmental operations.

## Payroll

Investments must now be made in the HRIS/Payroll system, Cyborg, and the financial system, Performance Series. The total amount required for both system upgrades is \$595,741, an amount significantly less than replacing these systems. This investment will make these systems stable and sustainable for the foreseeable future. In addition, the modern technology that they will employ will enable integration with other systems of the City of Wichita that is not possible today.

Support for the City's HRIS/Payroll system, hosted on a Digital Equipment Corporation VAX computer since 1988, will be discontinued in 2004. No software changes beyond those required by state and federal law are available for the existing system, and even this level of support will cease after the current calendar year. The HRIS/Payroll system is the only application still on the VAX (an older technology). The VAX hardware and operating system are also obsolete, maintenance costs are high and parts must be obtained on the used market. Migrating to modern hardware and using the City's standard Microsoft operating system will ensure ongoing vendor support, continuing product development, and a hardware platform that is more efficient and less costly to operate. Because this is an upgrade to the most current version of the City's present HRIS/Payroll package, conversion and implementation will be faster, have minimal impact on staff, and be considerably cheaper than replacing the system.

## Accounting

The City's Accounting and Purchasing system, Performance Series, was implemented in 1999 using the Oracle database engine. Since that time, all other Performance Series customers except for City of Wichita and Texas Legislative Commission have migrated to the vendor's recommended database engine, Microsoft SQL Server. Most City of Wichita applications are now running Microsoft SQL Server, and the total cost of ownership of MS SQL Server is considerably less than Oracle. In addition to ensuring ongoing vendor support, moving Performance to the Microsoft product will reduce maintenance costs for the database, lower training costs for IT/IS personnel, and provide better support of the product from the software vendor, Tier Technologies.

In 2001, KPMG Consulting, the same firm that created Performance Series, launched the City's E-Procurement system. The E-Procurement system is how the City of Wichita performs its purchasing function, including vendor registration, posting of requests for quotes, information, and bids, and also for receiving, tabulating and publishing the results of such requests. The KPMG business units responsible for E-Procurement and for Performance Series, the foundation upon which E-Procurement is built, have become parts of separate companies through acquisition and merger. The portion that created E-Procurement does not support this product as a package, but only on an ad-hoc consulting basis from a single individual. Their willingness to continue this support is unclear, but as this product is now separate from Tier Technologies Performance Series, their ability to provide support cannot be sustained long-term. If Performance Series migrates to Microsoft SQL Server, it will not be possible to migrate or sustain E-Procurement.

It is recommended that E-Procurement be replaced with Tier Technologies' equivalent purchasing application, V-Gov. Migrating to the V-Gov package will assure the City of ongoing support for web-based procurement, as well as continuing compatibility between the product and Performance Series.

The IT/IS Advisory Board has considered and approved these projects and recommends their approval by the City Council.

The initial expense for V-Gov and SQL Server will be \$220,145. Savings from the migration to SQL Server from Oracle will partially offset this expense (net \$4,000 per year). The expense for the replacement HRIS/Payroll (Cyborg) package will be \$375,596 and will be partially offset by a net \$55,000 savings per year from maintenance on the VAX hardware. The funding for these upgrades is available from the IT Equipment Replacement Fund.

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Contracts with the respective vendors will be reviewed and approved as to legal form by the Department of Law.

- Council Member Martz Council Member Martz inquired about the consulting fees and why the City's IT staff does not have the ability to do this.
- Kelly Carpenter Kelly Carpenter explained that most of these are upgrades in the software and they are bringing the software into the City. They will be doing most of their upgrades at their location and it will be on their time to develop the software for the City but the City's IT staff will load it into the system and deploy it out to all of the users.
- Kirk Swilley Kirk Swilley, IT Director, explained that the software costs are licensing costs and that the City is not doing custom software development with this but there are quite a few procedures when you install this and migrate the data where you do need help from people who have a detailed knowledge of the new data structure you will be using. This is to also help in technical training of the City's personnel.
- Mayor Mayans Mayor Mayans asked if there are other fees included in the consulting fees.
- Kirk Swilley Kirk Swilley explained that the consulting fees are services provided by the software vendor and there is an ongoing maintenance cost for support.
- Discussion ensued regarding this item.
- Motion-- Mayans moved that the necessary funds transfers be approved and the necessary signatures be authorized. Motion carried 7 to 0.  
--carried

## NEIGHBORHOOD CITY HALL

### ESTABLISHMENT OF NEIGHBORHOOD CITY HALL. (DISTRICT II)

Agenda Report No. 03-1076

On March 25, 2003, the City Council approved the use of the former Magdalen School (acquired for the reconstruction of Kellogg) for the District #2 Neighborhood City Hall. The action included authorizing fees for architectural services for final design, issuing and accepting bids for the project and to approve the bonding resolution. Due to recent budget reductions, the Council did not authorize a fully staffed Neighborhood City Hall, but instead supported remodeling a portion of this City-owned building for general meeting purposes for use by the neighborhood and the District Advisory Board.

Architectural services were engaged to provide the final design and cost estimate for converting a portion of the space of the Magdalen School building into a Neighborhood City Hall. The design for the remodel of this facility includes a small area for office space and a large meeting room to accommodate District Advisory Board meetings as well as other community events. In the future, if warranted and financially feasible, the building would be further renovated into a District #2 Neighborhood City Hall with related services/activities.

The use of the Magdalen School would capitalize on an existing public asset and return this vacant facility into a viable public use. Currently, the City leases the gymnasium for youth basketball.

City staff has received the preliminary drawings and cost estimate for the District #2 Neighborhood City Hall located at the Magdalen School. The next step is to proceed to final drawings and bid the project. A capital project in the amount of \$442,000 has been created for this project. The architectural design includes the remodel of 7,510 square feet of floor space and the estimated cost for this work does not exceed the authorized amount in the project account. It does not include funds for furnishing and fixtures, however, based on the preliminary estimate these costs should fall within the project budget.

A project account of \$440,000 has already been established to fund the conversion of the Magdalen School into a Neighborhood City Hall.

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The City Council has already approved the bonding resolution for this project.

Motion--  
--carried

Schlapp moved that this item be deferred until the next City Council Meeting. Motion carried 7 to 0.

## CITY COUNCIL AGENDA

### **BOARD APPTS.**

### **BOARD APPOINTMENTS.**

Motion--  
--carried

Brewer moved that Carrie Williams be appointed in place of Riley Williams, to the Police and Fire Retirement Board. Motion carried 7 to 0.

Motion--carried

Gray moved that Brandon Rougey be appoint to the DAB. Motion carried 7 to 0.

### **APPROVAL OF EXPENDITURES**

### **APPROVAL OF REGISTRATION EXPENSES FOR CITY COUNCIL MEMBERS TO ATTEND LIVING LEADERSHIP CONFERENCE IN WICHITA, ON NOVEMBER 5, 2003.**

Motion--carried

Mayans moved that the expenditures be approved. Motion carried 7 to 0.

### **CSBG APPTS.**

### **CSBG REVIEW COMMITTEE APPOINTMENTS.** **(CONTINUED FROM OCTOBER 7, 2003)**

Agenda Report 03-1077

The City of Wichita receives federal Community Services Block Grant (CSBG) funds to provide services to low-income persons. Federal law governing the use of these funds mandates the existence of a board to participate in the development, planning, implementation, and evaluation of the CSBG program.

When the Council restructured advisory boards and commissions in December of 1999, it created the CSBG Review Committee to provide citizen input for the CSBG program in accordance with federal mandates. The Council chose to base the membership of the Committee within the District Advisory Boards in order to take advantage of the special knowledge base of the DAB members.

The Committee is comprised of three sectors—public, community, and low-income. The City Council appoints the public and community representatives. Low-income representatives will be elected by low-income residents. Nominees from the list who are not appointed by the Council to the public and community positions will be offered the opportunity to be candidates for the low-income positions. All terms are two years; members may serve two consecutive terms.

The nominations for Committee membership were made in conformance with the appropriate controlling City Ordinance and federal mandates.

Appoint public and community members to CSBG Review Committee.

### **NOMINEES FOR THE COMMUNITY SERVICES BLOCK GRANT REVIEW COMMITTEE**

Nominees who are not appointed by the Council to the public and community positions will be offered the opportunity to be candidates for the low-income positions.

Community Representatives (appoint four)



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<u>Name</u>	<u>DAB</u>	<u>Sector</u>
Charlotte Foster	III	Education
Art Marquez	VI	Business
Jaya Escobar	VI	Education
*Cliff Sones	N/A	Business
*Pat Hanrahan	N/A	United Way

Public Sector Representatives (appoint four)

<u>Name</u>	<u>DAB</u>
Jim Vossen	II
Judy Dillard	III
Matt Foley	III
Jerry McGinty	IV
Jim Benton	IV
*Ed Koon	IV
Rick Shellenbarger	VI
Paul Daimen	VI
*Debby Moore	I
Chris Mains	Community Police Officer
*Donnah Taylor	N/A
*current members	

Motion-- Mayans moved that Art Marquez, Jaya Escobar, Cliff Sones and Pat Hanrahan be appointed as the Community Representatives to the CSBG Review Committee and Judy Dillard, Joanne Hartig, Debby Moore and Jim Vossen be appointed as the Public Sector Representatives to the CSBG Review Committee. Motion carried 7 to 0.

--carried

## CONSENT AGENDA

Motion-- Mayans moved that the Consent Agenda, except for Item 21, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

--carried

## **BOARD OF BIDS**

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED OCTOBER 20, 2003.

Bids were opened October 10 and October 17, 2003, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Water main replacement along Harry, Oliver to Woodlawn - 448-89700/636116 /772513. Traffic to be maintained during construction using flagpersons and barricades. (District III)

Dondlinger & Sons - \$341,244.00

Water line replacement in Central Street Bridge at Tara - 448-89552/636104 /771502. Three lanes for traffic to be maintained during construction using flagpersons and barricades. (District III)

Wildcat Construction - \$57,399.87

Water distribution system to serve Shoal Creek Second Addition - south of Central, west of 143rd Street East. (448-89861/735147/470817) Does not affect existing traffic. (District II)

Mies Construction - \$27,509.50

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Maple Street from 119th to 135th, Phase 2 Landscaping. (472-83262/706817/201283) Does not affect existing traffic. (District V)

Green-Glo - \$47,078.00

Storm Water Sewer #592 to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (468-83571/751346/485237) Does not affect existing traffic. (District II)

Mies Construction - \$116,988.00

Brush Creek from the south line of Westlake Parkway to the south line of Lot 134, Block 4; Brush Creek Court serving Lots 18 through 25, Block 5 (Phase 1) to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (472-83785/765813/490924); Red Fox from the south line of Westlake Parkway to the south line of Silver Hollow; Silver Hollow from the east line of Red Fox Circle to the east line of Lot 106, Block 4; Silver Hollow Court from the south line of Silver Hollow to and including the cul-de-sac serving Lots 97 thru 106, Block 4 (Phase 2) to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (472-83786/765814/490925); AND Den Hollow from the south line of Westlake Parkway to the south line of Lot 48, Block 4 (Phase 3) to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (472-83787/765815/490926) Does not affect existing traffic. (District V) - \$182,000.00. Does not affect existing traffic. (District V)

Cornejo & Sons Construction - \$415,121.00 (Total Aggregate Bid)

Zoo Boulevard from Central to Westdale, Phase 2 Landscaping (472-83442/706832/202298) Does not affect existing traffic. (District VI)

Seeders, Inc. - \$37,770.00

Left and Right Turn Lanes on Webb Road to serve The Waterfront Addition and Adjacent Tract (north of 13th, east of Webb) (472-83700/765799/490910) Traffic to be carried through construction. (District II)

Cornejo & Sons Construction - \$184,444.60  
\$ 80,906.00 (Alternate #2)  
\$265,350.60 (Total Aggregate Bid)

Motion--

--carried

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Webb Road Pump Station Renovations.

Walz Harman Huffman Construction Inc. - \$178,000.00 (Group 1/Base Bid)  
\$ 25,300.00 (Group 1/Alternate A/Total net bid))

PARK DEPARTMENT/RECREATION DIVISION: Football Field Lighting Grove Park.

Wichita Electric Co., Inc. - \$58,581.00 (Total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Replace Driveways, Approaches, Sidewalks.

Barkley Construction - \$49,000.00 (Total net bid)

PUBLIC WORKS DEPARTMEN/BUILDING DIVISION: Wichita City Hall – Graphics/Signage.

Graphics Systems Inc. - \$39,156.00 (Total net bid)

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VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Lubricating Oil, Gear Oil, Grease.

Universal Lubricants Inc. - \$76,187.80 (Total net bid)  
Group 1 (Refer to Document)

PARK DEPARTMENT/MAINTENANCE DIVISION: Player Benches & Picnic Tables.

Fry & Associates Inc. - \$37,952.00 (Total net bid)

PUBLIC WORKS DEPARTMEN/TRAFFIC MAINTENANCE DIVISION: Traffic Signal Equipment.

Gades Sales Co Inc. - \$132,461.60 (Total net bid)

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: LMK Internal Repair  
Liner Kit for 8" Diameter Pipe.

LMK Enterprise, Inc \*- \$13,094.20  
\*Purchases utilizing Sole Source of Supply - Ordinance No. 35-856, Section 2(b).

Motion--  
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## LICENSES

### APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

#### Renewal Adult Entertainment

Leilan M. Webb	Frolix	4730 South Broadway
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Motion--  
--carried

Mayans moved that the license subject to Staff review and approval be approved. Motion carried 7 to 0.

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
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Jo Lynn Blood	Pine Bay Golf Course, Inc.*	6615 South Grove
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<u>New Establishment</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
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Armando De Santiago	GI Perron Restaurant*	3824 East Harry
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\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--  
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

(Agenda Item #21)  
SENIOR MANAG.

### EXPENSE FOR SENIOR MANAGEMENT.

Council Member Lambke Council Member Lambke stated that he would like to commend Deputy Fire Chief Mike Rudd and the Director of Library, Cynthia Berner-Harris, for attending the conferences and not spending any money.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

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## PRELIM. ESTS.

### PRELIMINARY ESTIMATES:

- a) Water distribution system to serve Crystal Creek Addition - north of Harry, west of Webb. (448-89859/735146/470816) Does not affect existing traffic. (District II) - \$178,000.00
- b) Storm Water Sewer #590 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83653/751342/485233) Does not affect existing traffic. (District V) - \$191,000.00
- c) Main 19 Southwest Interceptor Sewer, Phase 4 - north of 37th Street, 1/4 mile west of Ridge Road. (468-83186/743990/480678) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$535,000.00
- d) Main 19 Southwest Interceptor Sewer, Phase 3 - along Ridge Road from 29th Street North to 37th Street North. (468-83186/743990/480678) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$389,452.85
- e) Water distribution system to serve Dugan Industrial Second Addition - north of K-42, east of Maize. (448-89871/735143/470813) Does not affect existing traffic. (District V) - \$45,495.00
- f) (Amended) Kinkaid from the north line of Lot 21, Block 7 to the west line of Brentwood South Addition; Stoneybrook from the south line of Kinkaid to the south line of Lot 13, Block 7, Kinkaid Court from the east line of Kinkaid to and including cul-de-sac (Lots 43 thru 48, Block 3, Stoneybrook Court from the east line of Stoneybrook to and including cul-de-sac (Lots 31 thru 36, Block 3; and Stoneybrook Court from the south line of Stoneybrook to and including cul-de-sac (Lots 15 thru 20, Block 7) to serve Brentwood South Addition - north of Pawnee, east of Webb. (District II) - \$358,000.00

Motion--carried

Mayans moved that the file be approved. Motion carried 7 to 0.

## BLDG. FACADE

### RENOVATE BUILDING FACADE AT 810 WEST DOUGLAS-NORTH OF DOUGLAS, WEST

Agenda Report No. 03-1078

On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. Up to two facades can be improved with 25% of the cost up to \$30,000 in the form of a forgivable loan. The owner of a building located at 810 W. Douglas has submitted the required Petition. The signatures on the Petition represent 100% of the improvement district.

The building is currently occupied by a retail clothing store and a consulting engineer company. The proposed improvements include replacing exterior siding, installing a new window, and upgrading the business entry.

The estimated project cost is \$50,000, with \$37,500 paid by Special Assessments and \$12,500 by a forgivable loan.

State Statutes provide the City Council authority to use Special Assessment funding for the projects. Approval of the Petition does not relieve the owner of requirements to obtain all necessary permits and reviews by applicable City Boards.

Motion -- carried

Mayans moved that the Petition be approved; and the Resolution be adopted. Motion carried 7 to 0.

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## RESOLUTION NO. 03-537

Resolution of findings of advisability and Resolution authorizing construction of façade improvements at 810 West Douglas (south of Douglas, west of Main) 472-83863, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

### BLDG. FACADE

#### **RENOVATE BUILDING FACADE AT 809, 811, AND 815 WEST DOUGLAS-SOUTH OF DOUGLAS, WEST OF MCLEAN. (DISTRICT IV)**

Agenda Report No. 03-1079

On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. Up to two facades per building can be improved with 25% of the cost up to \$30,000 per building in the form of a forgivable loan. The owner of buildings located at 809, 811, and 815 W. Douglas has submitted the required Petition. The signatures on the Petition represent 100% of the improvement district.

The buildings are currently occupied by a home improvement company and retail stores. The proposed improvements include repairing and repainting brick walls, and replacing doors and windows.

The estimated project cost is \$130,000, with \$97,500 paid by Special Assessments and \$32,500 by a forgivable loan.

State Statutes provide the City Council authority to use Special Assessment funding for the projects. Approval of the Petition does not relieve the owner of requirements to obtain all necessary permits and reviews by applicable City Boards.

Motion -- carried

Mayans moved that the Petition be approved; and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 03-538

Resolution of findings of advisability and Resolution authorizing construction of façade improvements at 809, 811, and 815 West Douglas (south of Douglas, west of McLean) 472-83865, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

### 27<sup>TH</sup> STREET SOUTH **PAVE 27TH STREET SOUTH, WEST OF MCLEAN BOULEVARD. (DISTRICT IV)**

Agenda Report No. 03-1080

The owner of Kingston Cove Apartments has submitted a Petition to pave 27th Street South from Exchange Place to McLean Boulevard. The signature on the Petition represents 100% of the improvement district. The proposed project was considered by the District IV Advisory Board on April 2, 2003. The Board voted 5-1 to recommend approval.

27th Street South is unpaved and unopened between Exchange Place and McLean Boulevard. The proposed project will improve access to the Kingston Cove Apartment complex and the adjacent neighborhood.

The Petition totals \$130,000. The funding source is special assessments.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

## RESOLUTION NO. 03-539

Resolution of findings of advisability and Resolution authorizing improving 27th Street South from the west line of McLean Boulevard to the east line of Exchange Place, 472-83860, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

### **COPPER GATE EST. PAVE STREETS IN COPPER GATE ESTATES ADDITION-SOUTH OF 13TH, WEST OF 135TH STREET WEST. (DISTRICT V)**

Agenda Report No. 03-1081

On December 10, 2002, the City Council approved a Petition for street paving in Copper Gate Estates Addition. The developer has submitted a new Petition to reallocate assessments within the improvement district to reflect changing market conditions. The signature on the Petition represents 100% of the improvement district.

The paving project will serve a new residential development located south of 13th, west of 135th Street West.

The project budget is unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petition be approved; and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 03-540

Resolution of findings of advisability and Resolution authorizing improving Aksarben from the north line of the plat, south to the north line of Ponderosa, and on Ponderosa from the west line of Aksarben, east to the east line of the plat. Aksarben Ct. Lots 1 through 6, Block A) from the west line of Aksarben, west to and including the cul-de-sac, on Aksarben ct. Lots 7 through 14, Block a) from the west line of Aksarben, west to and including the cul-de-sac, on Aksarben Ct. (Lots 1 through 10, Block D) from the east line of Aksarben, east to and including the cul-de-sac, on Aksarben Ct. (Lots 11 through 24, Bblock D) from the east line of Aksarben, east to and including the cul-de-sac, and on Ponderosa Ct. from the north line of Ponderosa, north to and including the cul-de-sac. sidewalk be constructed on one side of Aksarben and Ponderosa, (south of 13th, west of 135th Street West) 472-83669, in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans..

### **HAWTHORNE 2ND SANITARY SEWER MAIN TO SERVE HAWTHORNE AND HAWTHORNE SECOND ADDITIONS-NORTH OF 21ST STREET, EAST OF 127TH STREET EAST. (DISTRICT II)**

Agenda Report No. 03-1082

On October 22, 2002, the City Council approved a Petition to extend a sanitary sewer main to Hawthorne Addition. The developer of the addition has submitted a new Petition to update the improvement district to reflect recent platting activity. The signature on the Petition represents 100% of the improvement district.

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The sewer main will serve a new residential development located north of 21st Street, east of 127th Street East.

The project budget is unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petition be approved; and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 03-541

Resolution of findings of advisability and Resolution authorizing construction of Main 13, Four Mile Creek Sewer (north of 21st Street, east of 127th Street East) 468-83506, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## **STREET CLOSURES     CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closures submitted.

## **ART MUSEUM     ART MUSEUM SIGNAGE & GRAPHICS. (DISTRICT VI)**

Agenda Report No. 03-1083

On October 17, 2000, the City Council approved an Agreement between the City of Wichita and the Wichita Art Museum, Inc. to provide for the financing and management of the modification/expansion project for the Wichita Art Museum.

On July 16, 2002, the City Council approved a contract with Ellipsis for graphics and signage design and specifications for the museum modification/expansion project.

On March 4, 2003, the City council approved the bid of Fluoresco Lighting & Signs (FB300046) for the manufacture and installation of graphics and signage for the museum modification/expansion project.

The Change Order request for \$21,838.40 is for changes to specified signs as recommended by the Director of the Art Museum. Changes to the scope of work are as follows:

Two signs originally specified as "Great Hall Galleries Cafe & Store" were changed to read "Farha Great Hall Galleries Cafe & Store".

One sign originally specified as a concave dimensional sign, to be mounted in the Ruffin rotunda was changed to two straight dimensional signs to be installed inside the conference room. Copy remained the same "The Robert M. Beren Conference Room but the kerning was changed to compliment flat surface.

Fluoresco Lighting & Signs was given a verbal approval in advance of the official Change Order in an effort to have the signs installed before the Gala Grand Re-Opening of the Museum on June 7, 2003.

The CIP budget amount is \$10.5 million (\$6 million in General Obligation Bonds and \$4.5 million in Private Donations). Total expenditures and encumbrances to date are \$10,127,280.87. The City has paid only \$6 million of the total expenditures and encumbrances. The Change Order for \$21,838.40 is funded from the Private Donations portion of the project budget (Project No. 435309, OCA No. 792339). The unencumbered balance is \$373,719.13

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Change Orders in excess of \$10,000.00 shall be approved by the City Council; provided, however, that no Change Order in excess of the \$10,000.00 shall be approved if the amount of such Change Order exceeds 25% of the original bid. The Change Order amount is within the 25% construction Contract cost limit.

Motion--  
--carried

Mayans moved that the Change Order be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

## CENTRAL RIVER- SIDE PARK

### **CHANGE ORDER NO. 6: - IMPROVEMENTS TO CENTRAL RIVERSIDE PARK.** **(DISTRICT VI)**

Agenda Report No. 03-1084

On February 4, 2003, the City Council approved increasing the budget for improvements to Riverside Park from \$5,000,000 to \$5,450,000 and awarding the contract (excluding street work) to Robl Construction, Inc.

Robl Construction's contract includes improvements and modifications to enhance the public's recreational/cultural experience in Central Riverside Park, an area including Park Villa, and in Oak Park. This includes constructing ponds, walks, a fountain, and other features.

Change Order #6: The following items are the result of unanticipated conditions discovered in the process of construction in Oak Park and are included in this Change Order:

- The original contract included the construction of a pond, to be fed by well water, which would be located immediately east of the old stone arch in Oak Park. The contract also included the construction of a larger "wetlands" area to the north, which would be located in the low area immediately south of the park road's old stone bridge. Both the pond and the wetlands were to be lined with 12" of clay, and a stream was to be constructed to carry overflow water from the pond to the wetlands.

- Excavation of earth required to construct both the pond and the wetlands encountered groundwater at a high enough elevation that made constructing the two features impossible per the original design. A water feature must be built in such a way that the liner is well above the ground water level, or else the liner must be eliminated and the ground water exposed as the water feature. In the latter option, the exposed water level must be the same as the natural level of the ground water.

- A revised design has been developed for the pond that raises the bottom of the pond liner above the ground water level and uses a thinner bentonite liner in lieu of the original thick clay liner. This will enable the pond to maintain the minimum required depth without disrupting large existing trees surrounding the area.

- A new design has been developed for the wetlands that exposes the natural ground water at an elevation about 2 1/2 feet lower than the water level in the original design. Due to the extremely sandy soil and the steep terrain surrounding the deeper excavation required for the new design, it will be necessary to use retaining walls in some areas. This will be done with large stones to match what already exists in other areas of the park. Where slopes permit, erosion of exposed soil will be prevented with erosion control mats and grass or ground cover.

- The viewing bridge originally designed to meander over the wetlands has been replaced with a much shorter bridge over the stream. This shorter bridge is more appropriate to the new design and can be built at a significantly lower cost.

The total cost of Change Order No. 6 is \$44,790.00

This Change Order will extend the Contract Completion Date 75 days to accommodate these changes in the work.

This Change Order will be funded from the project budget. (Project No. 390148, OCA No. 785016)  
The unencumbered balance is \$593,259.56.

The Change Order amount is within 25% of the construction contract limit set by City Council policy.



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Motion--  
--carried

Mayans moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## CLAIMS

### REPORT ON CLAIMS ALLOWED SEPTEMBER, 2003:

<u>Name of Claimant</u>	<u>Amount</u>
Baughman, Margaret Dawe	\$593.00
Beads From Heaven (c/o Helen Travis)	\$187.25
Braland, Brian	\$531.93
Courter, Richie and Nancy	\$852.60**
Hill, Charles H.	\$111.00
McCowan, Thomas R.	\$450.00
Mnks, Amy	\$1,000.00**
Moore, Dennis	\$67.00
R.B. Media, Inc. (c/o Mary Ann Budnik)	\$275.11
Roser, Donta	\$120.00
Turner, Glenda (Butterflies Resale Shop)	\$3,000.00**

\*\* Settled for lesser amount than claimed.

Motion--carried

Mayans moved that the claims report be received and filed. Motion carried 7 to 0.

## U.S.D. #259

### CONTRACT WITH U.S.D. #259 - AFTER SCHOOL COMMUNITY EDUCATION PROGRAM. (DISTRICTS III AND IV)

Agenda Report 03-1085

U.S.D. #259 is a current recipient of 21st Century Community Learning Center grants awarded by the U.S. Department of Education for the operation of Colvin and Stanley Elementary Schools as "lighted schools". For the third and final year, the School District desires to contract with the City's Park and Recreation Department to conduct programming under the terms of these grants.

The grant agreement/contract provides that the City Park and Recreation Department will operate "before school" and "after school" programs at the Colvin and Stanley Elementary Schools. These programs provide a variety of services, such as recreational and arts/crafts related activities, health and social services for youths, and community education programs for older youths and adults.

Under the terms of the contract, the City will receive \$80,104 for the agreed-upon services. The contract will extend through July 31, 2004.

Motion--carried

Mayans moved that the contract for services be approved and the necessary signatures be authorized.

## GEOLOG. SURVEY

### UNITED STATES GEOLOGICAL SURVEY SURFACE WATER AGREEMENT.

Agenda Report No. 03-1086

In 1957, as a condition of Federal assistance in construction of the Wichita-Valley Center Flood Control Project, the City of Wichita entered into a cooperative Agreement with the United States Geological Survey (USGS) to install and maintain stream recorders along the project. Rainfall recorders were added later for the City's own use.

The Department of Public Works uses recorders to monitor rainfall through the drainage basins affecting the project to determine volumes of incoming water. This collected data is transmitted to the weather bureau, which transmits the data to the River Forecast Center in Tulsa, Oklahoma. The data is statistically analyzed and published by USGS.

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The Water Department monitors the flow of water into and out of Cheney Reservoir and relays the elevation of the lake to the Corps of Engineers.

The Agreement requires the City to pay \$34,535 of the \$62,680 total program cost, with USGS responsible for the balance of \$28,145. Budget for the City's cost is split between the Water and Sewer Department (\$14,905) and City-County Flood Control (\$19,630). In addition, the City provides office space for the United States Geological Survey, WRD, Kansas District for which it charges annual rent of \$14,000. This amount is paid by Flood Control to the City's Property Management Operations Fund to offset a portion of the \$19,630 program costs. The balance of \$5,630 is paid directly to USGS.

This cooperative agreement covers the following program for the 2004 Fiscal Year:

<u>WATER DEPARTMENT</u> , stream flow-gaging stations:	<u>Wichita</u>	<u>USGS</u>	<u>FY04 Cost</u>
7144780 NF Ninnescah River above Cheney Reservoir	\$6,405	\$5,235	\$11,640
7144790 Cheney Reservoir near Cheney	\$2,095	\$1,715	\$3,810
7144795 NF Ninnescah River at Cheney Reservoir	\$6,405	\$5,235	\$11,640

PUBLIC WORKS DEPARTMENT, stream flow-gaging stations, rental of electronic data loggers, memory cards, memory reader, and salary for recorder installation and training, installation of Maple Street gage and installation of wire-weight gage at city's Calfskin gaging site.

7144470 Cowskin Creek at 29th St. North Wichita	\$2,095	\$1,715	\$3,810
Cowskin Creek at Maple St.			
Gage installation	\$3,300	\$2,700	\$6,000
Gage operation Oct. 1, 2003 to Sept. 30, 2004	\$6,405	\$5,235	\$11,640
7144550 Arkansas River at Derby	\$3,930	\$3,210	\$7,140
Rental of 6 recorders, installation, training	<u>\$3,900</u>	<u>\$3,100</u>	<u>\$7,000</u>
Total Program	\$34,535	\$28,145	\$62,680

Motion--  
--carried

Mayans moved that the Agreements/Contracts be approved and the necessary signatures be authorized  
Motion carried 7 to 0.

## LEGAL SERVICES

### AMENDMENT TO AGREEMENT WITH EDWARD J. HEATH, JR. FOR LEGAL SERVICES.

Agenda Report No. 03-1087

The City has retained Edward J. Heath, Jr. to provide legal services in connection with workers compensation claims, litigation and related assignments.

The original contract was entered in November 1996 and has been supplemented four times to provide additional sums to continue the representation of the City in workers compensation issues. This amendment extends the term of the contract through December 31, 2003 and will provide for payment of all services this year. It is planned that a Request for Proposals will be issued by the end of the year for legal representation in workers compensation cases commencing in 2004.

This supplemental agreement provides authority for an additional \$60,000.00. The charges are reasonable for the amount of legal services involved. Payment will be from the Workers Compensation fund.

The appropriate means to approve the additional payment is an Amendment to the original contract, raising the expenditure limit and extending the time for the services to be provided. The City Attorney's office has prepared the Amendment.

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Motion--  
--carried

Mayans moved that the Amendment to the Agreement between the City and Edward J. Heath, Jr. be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## SIERRA HILLS

### **SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING AND STAKING FOR SIERRA HILLS ADDITION-EAST OF 127TH STREET EAST, NORTH OF PAWNEE. (DISTRICT II)**

The City Council approved the project on February 11, 2003. On June 3, 2003, the City approved an Agreement with Ruggles & Bohm, P.A. to design the improvements. The Design Agreement with R&B requires R&B to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and R&B provides for construction engineering and staking for the improvements in Sierra Hills Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$66,700 and will be paid by special assessments.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## MENNONITE HOUSING

### **HOME FUNDING: MENNONITE HOUSING HILLTOP PROJECT/HUD. (DISTRICT III)**

Agenda Report No. 03-1089

On March 17, 1998, the City Council approved implementation of the Neighborhood Revitalization Plan, which resulted in the targeting of HOME funding for housing development projects to be undertaken by Community Housing Development Organizations (CHDO's) to the City's newly created Local Investment Areas. On April 3, 2001, the Council approved HOME funding in the amount of \$185,000 for Mennonite Housing Rehabilitation Services, Inc. (MHRS), one of the City's designated CHDO's, for a housing redevelopment project to be undertaken within the Hilltop Local Investment Area. The proposed project involves the purchase of land and substandard structures, demolition, and construction of new housing.

MHRS worked to identify potential re-development sites, and initially identified a site near Menlo and Terrace, that primarily consisted of vacant land and vacant structures. However, during the environmental review process conducted by the Planning Department, the site was deemed to be inappropriate for redevelopment, because a portion of it was designated to be a future "pocket park", as part of a Neighborhood Plan coordinated by Planning and approved by the City Council. MHRS subsequently identified a secondary site. The newly proposed site necessitated the purchase of tenant-occupied structures, in addition to vacant land. HOME funding is subject to the Uniform Relocation Act, and therefore, it was necessary to provide relocation compensation to the tenants occupying the substandard structures. This resulted in an increase in the project cost.

In order to enhance the project, and to assist in the creation of a new development within the Hilltop area, 2003-2004 Community Development Block Grant funding was allocated for the construction of a new street. Construction of the street has been completed.

Housing Services is requesting additional funding in the amount of \$175,000, in order to provide participation financing for the construction of a minimum of 5 new units of housing. The HOME funding will be utilized to leverage construction loans provided by local financial institutions, and to subsidize the cost of construction, site improvements and developer fees.

To date, a total \$165,000 in HOME funding has been expended for site acquisition, relocation, asbestos removal, demolition and other site preparation.

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The actual cost of construction per unit is estimated to be \$85,000. The additional funding for the project is available from another CHDO project that did not go forward, in the amount of \$50,000, and unallocated HOME program income in the amount of \$125,000.

Should the City Council approve this additional allocation, Housing Services is also requesting an additional allocation of \$12,500 for administrative expenses, in accordance with HOME regulations. The additional administrative allocation will be used to offset increased indirect administrative costs, as well as the salary allocation for the Housing Specialist and Housing Services Director. These positions are no longer funded or partially funded by the City, and must be entirely allocated to federal programs.

A contract amendment for the additional funding will be drafted and approved as to form by the City Law Department. HOME regulations require project completion when a site is acquired utilizing HOME funding, or if HOME funds are invested in a project.

Motion--  
--carried

Mayans moved that the proposed funding allocations be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## BUDGET ADJ.

### BUDGET ADJUSTMENT –PROPERTY MANAGEMENT.

Agenda Report No. 03-1090

The Property Management Special Revenue Fund is a self-sustaining special revenue fund. The management and maintenance of non-project related City properties is paid for from this fund. Some of these properties include properties acquired in advance of the East Kellogg expansion and Waterwalk projects, the former Heartspring campus, and Cessna Court apartments.

Since the 2003 budget was revised, numerous full-service leases, where the landlord pays expenses, have been added to the portfolio. These are primarily in the Waterwalk area. In addition, all Cessna Court apartments have been fully leased, increasing operating expenses. There have also been several unexpected maintenance expenditures in conjunction with the portfolio properties. This has resulted in contractual expenditures above the budgeted levels. The shortfall is estimated at \$90,000. Because of the increase in rented properties, lease income is also above budgeted levels sufficient to pay these added costs. The increase of lease revenues total over \$230,000.

Because of increased rental income, there are available funds within the Property Management Fund to meet the expense needs. Funds required at this time total \$90,000.

Budget transfers/adjustments in excess of \$10,000 require City Council approval.

Motion--  
--carried

Mayans moved that the necessary budget adjustments be authorized and approved. Motion carried 7 to 0.

## BUDGET TRANSFER

### BUDGET TRANSFER FOR VEHICLE REPLACEMENT – WATER AND SEWER DEPARTMENT.

Agenda Report No. 03-1091

Recently, a van used by Water & Sewer Department Staff was wrecked in a one-vehicle accident. The accident occurred in the course of conducting regular City business. Since there was only one vehicle involved, the City was not able to collect an insurance settlement.

Replacement of the vehicle is necessary for personnel to conduct City business efficiently, including meter reading, turning service on and off, and other customer-service and revenue-producing activities. Delaying replacement of the vehicle will negatively impact customer service and Utility revenues.

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A replacement vehicle is estimated to cost no more than \$20,000. Funds are available from the contingency account in the Water Utility. The contingency is specifically set aside for dealing with emergencies and situations that could not be anticipated during the budget process.

City Council authorization is required for a budget adjustment.

Motion--carried      Mayans moved that the budget adjustment be approved. Motion carried 7 to 0.

## **BANKING SERV.      BANKING SERVICES RESOLUTION.**

Agenda Report No. 03-1092

In January 2003, the City Council adopted resolution # 03-002 approving the selection of Intrust Bank, N.A. and authorizing the preparation, execution and delivery of agreements in connection therewith. The resolution specifically gave authority to Chris Cherches and Ray Trail to enter into agreements with the bank to establish authorizations and to conduct or establish banking procedures.

Ray Trail retired effective October 4, 2003. The City Manager has appointed Kelly Carpenter as Acting Director of Finance. A new resolution should be adopted granting authority to Kelly Carpenter and removing Ray Trail's authority.

There are no costs involved in changing the resolution.

The resolutions will be approved as to form by the Law Department prior to execution.

Motion--      Mayans moved that the Resolution appointing Chris Cherches and Kelly Carpenter as authorities to  
-- carried      execute banking documents on behalf of the City of Wichita be adopted. Motion carried 7 to 0.

## **SANITARY SEWER      PUBLIC EXIGENCY SANITARY SEWER REPAIRS. (DISTRICT III)**

Agenda Report No. 03-1093

Sewer Maintenance has reported that a sanitary sewer pipe is collapsing just outside of a manhole, located on the north property line of 3510 East Bellaire Street.

The sewer main is approximately 13.5 ft. deep and this depth of repair is beyond the capability of the Sewer Maintenance Division's excavation equipment and shoring materials. Access to the area is limited and will require special equipment. An emergency repair by a contractor is recommended.

Staff contacted eight (8) contractors for bids with two (2) responding. Wichita Excavation, Inc., submitted the low bid of \$4,800. The City Manager approved proceeding with the project on October 7, 2003.

Capital Improvement Program, Reconstruction of Sanitary Sewers, (CIP S-4) has a budget of \$3,850,000 for 2003. This repair will be funded from Sewer Utility Revenues and Reserves and/or a future revenue bond issue.

City Ordinance 2.64.020.5 (Public Exigency) authorizes the City Manager to approve work to be performed by a contractor without formal bidding.

Motion--      Mayans moved that the City Manager's Public Exigency approval of the project be approved. Motion  
--carried      carried 7 to 0.

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## PUBLIC HEALTH

### PUBLIC HEALTH ASSEMBLY.

Agenda Report No. 03-1094

The City of Wichita has been invited by Sedgwick County to participate in a community-wide discussion on public health. The process will include focus groups, a survey mailed to 25,000 residents and a Wichita Assembly on Public Health. The City would be one of several partners sharing the cost and the responsibility for planning this discussion. This process will help elected officials – City Council Members, Sedgwick County Commissioners and State legislators gain information on citizens' expectations regarding government's responsibility for public health.

Sedgwick County has requested the City participate in a community discussion on public health. Over the years, the definition of public health has expanded from providing primary care to the underinsured and uninsured to include prevention, surveillance, intervention, and preparedness for bioterrorism. It also includes pre-hospital emergency care provided by Emergency Medical Service (EMS), care for the elderly, mentally ill and those with physical and mental disabilities. The expanded role of public health necessitates a better understanding of the health issues and the actions necessary to keep families healthy.

As one of Sedgwick County's partners in this public health discussion, City staff will serve on the Executive Committee that plans and refines the Wichita Assembly process. Wichita State University's (WSU) Hugo Wall School of Urban and Public Affairs will provide leadership in the development of this community discussion.

Sedgwick County is requesting its partners in the Wichita Assembly on Public health contribute \$10,000 to this endeavor. Funds are available from the Wichita State University Mill Levy Fund and will be requested for this purpose.

The City has the authority to utilize Wichita State University Mill Levy funds for this purpose.

Motion--  
--carried

Mayans moved that the participation in the Assembly on Public Health and request Wichita State University Mill Levy Funds to support this project be authorized. Motion carried 7 to 0.

## PROPERTY ACQ.

### PORTION OF 5335 SOUTH HYDRAULIC: HYDRAULIC IMPROVEMENT PROJECT. (DISTRICT III)

Agenda Report No. 03-1095

South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. The improvements required to widen Hydraulic to four lanes, install a storm water drainage system, and place necessary landscaping will require the partial acquisition of twelve tracts. The sixth of the twelve tracts to be acquired is a portion of 5335 South Hydraulic, owned by Samuel and Cathryn Goodman. The property contains 1.58 acres and is presently improved with a single-family residence.

The planned improvement of Hydraulic will require a 2,800 square foot portion of land adjacent to Hydraulic. No improvements will be affected by the acquisition. An offer of \$2,150.00 has been accepted by the owner.

Financial Considerations: Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds. A budget of \$2,550.00 is requested. This includes \$2,150.00 for the acquisition, and \$400.00 for closing costs and title insurance.

Motion--  
--carried

Mayans moved that the budget and the Real Estate Purchase Contracts be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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## PROPERTY ACQ.

### PERMANENT EASEMENT OVER A PORTION OF 140 NORTH WEST STREET FOR FIRST

Agenda Report No. 03-1096

On November 19, 2002, the City Council approved the project location and initiation of acquisition for the First and Second Street West Drainage Outfall project. The project will require the acquisition of several parcels of land and easements. One of the required easements is located at 140 North West Street. The parcel is owned by Richard and Patricia Stateler and is developed with a single-family residence.

The project will call for a storm water structure to be placed under the south 30 feet of the property. This area is developed with the driveway for the site. The drive will be closed for approximately six weeks. There are two mature trees that may need to be removed. After the structure is placed, dirt will be placed over the structure and the drive reconstructed. The owners have agreed to grant the necessary easement in exchange for \$15,000.

Council action approved \$250,000 for acquisition for the project. The funding source is Storm Water Utility funds. A budget of \$15,500 is requested. This includes \$15,000 for the easement and \$500 for title work and closing costs.

Motion--  
--carried

Mayans moved that the budget be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ OCTOBER 7, 2003)

- a) Harry at McLean intersection improvement. (District IV)

#### ORDINANCE NO. 45-906

An Ordinance declaring the intersection of Harry and McLean (472-83781) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) 13th Street Bridge over Cowskin Creek-west of 119th Street West. (District V)

#### ORDINANCE NO. 45-907

An Ordinance declaring 13th Street North, between a point approximately 100 feet west of Azure to a point approximately 300 feet east of Cedar Park Street, including the 13th Street Bridge at Cowskin Creek (472-83851) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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- c) 47th Street South traffic study, from Broadway to I-35. (Districts III and IV)

## ORDINANCE NO. 45-908

An Ordinance declaring 47th Street South, from Broadway to I-135 Freeway, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- d) Licensing qualifications and fees for escort services.

## ORDINANCE NO. 45-909

An Ordinance amending Sections 3.07.010, 3.07.050, 3.07.170, 3.07.180, 3.07.190, 3.07.200 and 3.07.210, and creating sections 3.07.005 and 3.07.195 of the Code of the City of Wichita, Kansas, pertaining to qualifications and fees for licensing of escort services, escorts, and escort service runners, and the penalty for violations thereof, and repealing the original of said sections, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- e) Realignment of McCormick west of K-42 Highway. (District IV)

## ORDINANCE NO. 45-910

An Ordinance declaring a perimeter road along the north boundary of Newman University, from 350 feet west of Sheridan to K-42 highway 472-83831 to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- f) ZON2002-37 - generally located east of West Street, north of MacArthur Road.

## ORDINANCE NO. 45-911

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON 2002-37

- g) SUB2003-80 - south of Kellogg, on the east side of Hydraulic. (District I)

## ORDINANCE NO. 45-912

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.



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h) A 03-23 - southwest corner of the intersection of the Kansas Turnpike and South Greenwich Road. (District II)

## ORDINANCE NO. 45-913

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. A03-23

## **WATER PROJECTS:**

## ORDINANCE NO. 45-801

a) (448-88708/470-741) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-88708 TO SERVE FOREST LAKES, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-802

b) (448-89205/470-789) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89205 TO SERVE FOREST LAKES WEST, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-803

c) (448-89428/470-746) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89428 TO SERVE THE HIGHLAND SPRINGS SECOND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-804

d) (448-89490/470-751) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89490 TO SERVE EVERGREEN AND EVERGREEN Third ADDITIONS, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-805

e) (448-89568/470-697) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89568 TO SERVE THE REMINGTON PLACE ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## ORDINANCE NO. 45-806

f) (448-89583/470-740) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89583 TO SERVE THE FLAT CREEK ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-807

g) (448-89592/470-733) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89592 TO SERVE THE RIDGE PORT NORTH Fourth ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-808

h) (448-89630/470-704) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89630 TO SERVE THE LEGACY ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-809

i) (448-89651/470-748) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89651 TO SERVE EAGLES LANDING AT NORTH OLIVER SECOND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-810

j) (448-89658/470-763) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89658 TO SERVE SPRINGDALE EAST SECOND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-811

k) (448-89664/470-724) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89664 TO SERVE PART OF THE MCCLAREN ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-812

l) (448-89680/470-755) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89680 TO SERVE THE GRAY'S FIFTH ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## ORDINANCE NO. 45-813

m) (448-89682/470-754) - Water Distribution System No. 448-89682 TO SERVE GRAY'S Fifth AND HOPE COMMUNITY BAPTIST CHURCH ADDITIONS, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-814

n) (448-89686/470-738) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89686 TO SERVE THE MEDITERRANEAN PLAZA ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-815

o) (448-89691/470-744) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89691 TO SERVE CHADSWORTH PLAZA ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-816

p) (448-89697/470-745) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89697 TO SERVE THE FOSSIL RIM ESTATES & UNPLATTED TRACT "A", read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-817

q) (448-89699/470-739) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89699 TO SERVE RIDGE PORT COMMERCIAL PARK AND RIDGE PORT SECOND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-818

r) (448-89703/470-742) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89703 TO SERVE NORTHEAST MIDDLE SCHOOL ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-819

s) (448-89709/470-750) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89709 TO SERVE SUNNYSIDE GARDENS SECOND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## ORDINANCE NO. 45-820

t) (448-89710/470-747) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89710 TO SERVE CARPENTERS LOCAL UNION NO. 201 ADDITION AND UNPLATTED TRACTS, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-821

u) (448-89717/470-749) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89717 TO SERVE SAVANNA AT CASTLE ROCK RANCH NINTH, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-822

v) (448-89719/470-752) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89719 TO SERVE THE EAST 150 FEET OF LOT 38, EXCEPT THE NORTH 10 FEET AND THE EAST 30 FEET THEREOF, VALLEY ACRES, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-823

w) (448-89727/470-756) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89727 TO SERVE HAWTHORNE ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-824

x) (448-89732/470-758) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89732 TO SERVE HAWTHORNE ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-825

y) (448-89735/470-759) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89735 TO SERVE HAWTHORNE ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-826

z) (448-89736/470-760) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89736 TO SERVE HAWTHORNE ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## ORDINANCE NO. 45-827

aa) (448-89743/470-764) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89743 TO SERVE SOUTH HIGH SCHOOL ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-828

bb) (448-89751/470-772) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89751 TO SERVE REFLECTION RIDGE THIRD ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-829

cc) (448-89759/470-782) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89759 TO SERVE SHADOW RIDGE ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-830

dd) (448-89761/470-770) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89761 TO SERVE WILSON ESTATES MEDICAL PARK, AND LEGACY PARK TRACT, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-831

ee) (448-89762/470-777) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing Water Distribution System No. 448-89762 TO SERVE POWER CDC SECOND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## **SEWER PROJECTS:**

## ORDINANCE NO. 45-832

ff) (468-82832/480-442) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 95, SANITARY SEWER #23, TO SERVE UNPLATTED TRACT, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-833

gg) (468-82967/480-481) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 88, MAIN 1, SOUTHWEST INTERCEPTOR SEWER, TO SERVE SCOTT & WEIR; PILLSBURY; STARDUST, BOSLEY'S FIRST ADDITIONS, & UNPLATTED TRACTS SEC. 8 & 9, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## ORDINANCE NO. 45-834

hh) (468-83029/480-626) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 24, COWSKIN INTERCEPTOR SEWER, TO SERVE HIGHLAND SPRINGS SECOND ADDITION AND UNPLATTED TRACT "A", read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-835

ii) (468-83148/480-635) An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 462, SOUTHWEST INTERCEPTOR SEWER, TO SERVE EVERGREEN & EVERGREEN Third ADDITIONS, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-836

jj) (468-83241/480-591) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing MAIN 12, SANITARY SEWER NO. 23, TO SERVE UNPLATTED TRACTS "A" THROUGH "Y" AND EAGLES LANDING AT NORTH OLIVER SECOND, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-837

kk) (468-83276/480-612) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 3, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, TO SERVE RIDGE PORT NORTH Fourth ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-838

ll) (468-83284/480-604) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 1, MAIN 12, SANITARY SEWER NO. 23, TO SERVE EAGLES LANDING AT NORTH OLIVER SECOND ADDITION & UNPLATTED TRACT "A", read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-839

mm) (468-83285/480-628) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 2, MAIN 12, SANITARY SEWER NO. 23, TO SERVE EAGLES LANDING AT NORTH OLIVER SECOND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## ORDINANCE NO. 45-840

nn) (468-83286/480-629) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 3, MAIN 12, SANITARY SEWER NO. 23, TO SERVE EAGLES LANDING AT NORTH OLIVER SECOND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-841

oo) (468-83329/480-578) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 317, FOUR MILE CREEK SEWER, TO SERVE AN UNPLATTED TRACT OF LAND, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-842

pp) (468-83350/480-587) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 481, SOUTHWEST INTERCEPTOR SEWER, TO SERVE THE LEGACY ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-843

qq) (468-83386/480-615) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 4, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, TO SERVE RIDGE PORT COMMERCIAL PARK & RIDGE PORT SECOND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-844

rr) (468-83399/480-601) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing MAIN 11, FOUR MILE CREEK SEWER, TO SERVE THE FAIRMONT ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-845

ss) (468-83427/480-610) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 141, MAIN 4, SANITARY SEWER NO. 23, TO SERVE UNPLATTED TRACT OF LAND, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-846

tt) (468-83429/480-638) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing MAIN 21, SOUTHWEST INTERCEPTOR SEWER, TO SERVE GRAY'S Fifth ADDITION, HOPECOMMUNITY BAPTIST CHURCH ADDITION AND UNPLATTED TRACT "B", read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## ORDINANCE NO. 45-847

uu) (468-83430/480-639) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 1, MAIN 21, SOUTHWEST INTERCEPTOR SEWER, TO SERVE GRAY'S Fifth & HOPE COMMUNITY BAPTIST CHURCH ADDITIONS, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-848

vv) (468-83432/480-611) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 484, SOUTHWEST INTERCEPTOR SEWER, TO SERVE THE BIKE AND RIDER ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-849

ww) (468-83447/480-624) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 3, MAIN 2, NORTHWEST INTERCEPTOR SEWER, TO SERVE CHADSWORTH PLAZA, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-850

xx) (468-83448/480-625) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 485, SOUTHWEST INTERCEPTOR SEWER, TO SERVE FOSSIL RIM ESTATES ADDITION & UNPLATTED TRACT "A", read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-851

yy) (468-83480/480-627) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 269, MAIN 5, SANITARY SEWER # 22, TO SERVE RAY ALLEN ADDITION & UNPLATTED TRACT, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-852

zz) (468-83486/480-636) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 3, MAIN 11, SANITARY SEWER #23, TO SERVE SAWMILL CREEK ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.



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## ORDINANCE NO. 45-853

aaa) (468-83495/480-634) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 39, MAIN 24, WAR INDUSTRIES SEWER, TO SERVE BEECH LAKE DEVELOPMENT - 13TH & WEBB, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-854

bbb) (468-83497/480-631) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 338, FOUR MILE CREEK SEWER, TO SERVE SAVANNA AT CASTLE ROCK RANCH NINTH, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-855

ccc) (468-83505/480-640) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing MAIN 12, FOUR MILE CREEK, TO SERVE HAWTHORNE ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-856

ddd) (468-83507/480-643) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 1, MAIN 13, FOUR MILE CREEK, TO SERVE HAWTHORNE ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-857

eee) (468-83510/480-641) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 1, MAIN 12, FOUR MILE CREEK, TO SERVE HAWTHORNE ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-858

fff) (468-83513/480-642) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 4, MAIN 12, FOUR MILE CREEK, TO SERVE HAWTHORNE ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-859

ggg) (468-83537/480-654) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 40, MAIN 15, SOUTHWEST INTERCEPTOR SEWER, TO SERVE REFLECTION RIDGE THIRD ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## ORDINANCE NO. 45-860

hhh) (468-83563/480-651) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing LATERAL 42, MAIN 24, WAR INDUSTRIES SEWER, TO SERVE WILSON ESTATES MEDICAL PARK & LEGACY PARK TRACT, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-861

iii) (468-83565/480-649) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing MAIN 14, FOUR MILE CREEK, TO SERVE REED'S COVE, REED COMMERCIAL, & REEDS COVE SECOND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## **STORM SEWERS:**

## ORDINANCE NO. 45-8862

jjj) (468-83034/485-210) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing SWS NO. 528 TO SERVE HIGHLAND SPRINGS SECOND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-863

kkk) (468-83065/485-177) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing SWS NO. 532 TO SERVE REGENCY PARK ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-864

lll) (468-83165/485-194) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing SWS NO. 541 TO SERVE RIDGE PORT NORTH THIRD AND FOURTH ADDITIONS, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-865

mmm) (468-83351/485-197) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing SWD NO. 182 TO SERVE THE LEGACY ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## ORDINANCE NO. 45-866

nnn) (468-83465/485-208) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing SWS NO. 572 TO SERVE RIDGE PORT COMMERCIAL PARK AND RIDGE PORT SECOND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-867

ooo) (468-83522/485-222) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of constructing SWS No. 576 TO SERVE THE EXECUTIVE AT WHITE TAIL ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## PAVING

## ORDINANCE NO. 45-870

a) (472-82322/490-840) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving TEE TIME, LAKECREST, LAKECREST CIRCLE AND SIDEWALK, TO SERVE FOREST LAKES ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-871

b) (472-82327/490-855) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving WILD ROSE, FOREST LAKES, WILD ROSE COURT AND SIDEWALK, TO SERVE FOREST LAKES ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-872

c) (472-82699/490-758) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving TEE TIME, LAKECREST CIRCLE & SIDEWALK, TO SERVE FOREST LAKES ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-873

d) (472-82874/490-841) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving FOREST PARK/LAKE RIDGE, FOREST PARK COURT AND SIDEWALK, TO SERVE FOREST LAKES WEST, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-874

e) (472-/490-823) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving HENDRYX, REECE ROAD, MCCORMICK AVENUE AND REECE CIRCLE, TO SERVE REECE FARMS ESTATES, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## ORDINANCE NO. 45-875

f) (472-83069/490-699) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving 29TH STREET NORTH, TO SERVE TRACTS LOCATED IN NE QUARTER SECTION, TWP 27S, R2E OF THE SIXTH P.M., read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-876

g) (472-83144/490-861) An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving REMINGTON LANE, BLUEGRASS, KENTUCKY LANE, REMINGTON LANE COURT AND SIDEWALK, TO SERVE HIGHLAND SPRINGS SECOND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-878

h) (472-83254/490-757) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving THE NORTH-SOUTH ALLEY BOUNDED BY MEAD, MOSLEY, 10TH AND 11TH ST., TO SERVE SANKEY & MCCALL'S ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-881

i) (472-83291/490-833) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving ONEWOOD, ONEWOOD PLACE & CUL DE SACS, TO SERVE AUBURN HILLS 12TH ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-882

j) (472-83301/490-773) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving 26TH ST. N., ALEY & BURNETT, TO SERVE NORTH LAWN, BUCKEYE, GARDNER'S & ALEY PARK ADDITIONS, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-883

k) (472-83308/490-837) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving 127TH ST. EAST, TO SERVE CHURCH OF THE MAGDALEN ADDITION AND AN UNPLATTED TRACT IN SW 1/4 SEC. 2, TWP 27-S, R2E, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## ORDINANCE NO. 45-884

l) (472-83309/490-779) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving CEDAR CREST, TO SERVE CEDAR DOWNS, CEDAR DOWNS SECOND, CEDAR DOWNS THIRD & BURCHFIEL SECOND ADDITIONS AND UNPLATTED TRACTS IN SEC 1, TWP 27S, R2W, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-885

m) (472-83310/490-778) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving CEDAR DOWNS LANE, TO SERVE CEDAR DOWNS AND CEDAR DOWNS THIRD ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-886

n) (472-83311/490-780) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving WHEATRIDGE ST, TO SERVE CEDAR DOWNS THIRD ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-887

o) (472-83389/490-797) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving CUSTER AVENUE, TO SERVE SOUTHWEST INDUSTRIAL ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-888

p) (472-83404/490-836) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving EAGLES LANDING, WILLOW POINT, EAGLES LANDING COURTS, DELLROSE CIRCLE AND SIDEWALK, TO SERVE EAGLES LANDING AT NORTH OLIVER SECOND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-889

q) (472-83409/490-846) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving 34TH ST N, BROOKVIEW, RIDGE PORT, LAKEWAY, BROOKVIEW CT & SIDEWALK, TO SERVE RIDGE PORT NORTH FOURTH ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-890

r) (472-83414/490-810) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving alley from north line of Murdock to south line of 8th Street North between Market and Broadway, to serve MUNGER'S ORIGINAL TOWN ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## ORDINANCE NO. 45-891

s) (472-83433/490-842) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving TALLOWOOD, CASTLEWOOD/GLEN WOOD, TALLOWOOD COURT, ROCKY CREEK AND SIDEWALK, TO SERVE ROCKY CREEK AND ROCKY CREEK SECOND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-892

t) (472-83444/490-824) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving CLARK/STONEBROOK, MOUNT VERNON, CLARK, CRANBROOK, STONEYBROOK COURT, STONEYBROOK CIRCLE AND SIDEWALK, TO SERVE BRENTWOOD VILLAGE, BRENTWOOD SOUTH AND MAPLE SHADE ADDITIONS, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-893

u) (472-83468/490-832) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving TIPPERARY, BRACKEN, BRACKEN COURT, BRACKEN CIRCLE, TIPPERARY COURT AND SIDEWALK, TO SERVE BALTHROP FOURTH ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-894

v) (472-83483/490-825) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving BOXHORN, AYESBURY, WOODRIDGE, EAGLE, WAWONA, DAVIN LANE, DAVIN CIRCLE, DAVIN COURT, BOXTHORN COURT, AYESBURY CIRCLE AND SIDEWALK, TO SERVE THE FAIRMONT ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-895

w) (472-83488/490-826) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving 127TH ST. EAST, TO SERVE THE FAIRMONT ADDITION & AN UNPLATTED TRACT "B" IN THE SW 1/4 OF SEC 2, TWP 27-S, R-2-E, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-896

x) (472-83493/490-839) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving LYDIA, LYDIA COURTS, CRESTLINE COURT, CRESTLINE AND SIDEWALK, TO SERVE SHELLY'S ORCHARD ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## ORDINANCE NO. 45-897

y) (472-83531/490-851) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving TOBEN/31ST ST. NORTH, TO SERVE MEDITERRANEAN PLAZA ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-898

z) (472-83538/490-859) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving MAIZE COURT AND SIDEWALK, TO SERVE CHADSWORTH PLAZA, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-899

aa) (472-83550/490-849) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving GREAT PLAINS, 34TH ST. NORTH & RIDGEWOOD, TO SERVE GREAT PLAINS BUSINESS PARK THIRD ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-900

bb) (472-83556/490-853) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving NORTHWIND & WEST 33RD ST. NORTH, TO SERVE RIDGE PORT COMMERCIAL PARK ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-901

cc) (472-83601/490-852) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving CHAUTAUQUA, TO SERVE BRUCE JONES AND AGEE HUNTER ADDITIONS, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-902

dd) (472-83604/490-856) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving BROADVIEW CIRCLE AND SIDEWALK, TO SERVE NORTHEAST MIDDLE SCHOOL ADDITION AND AN UNPLATTED TRACT IN THE NE 1/4 OF SEC 26, TWP 26-S, R-1-E, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-903

ee) (472-83612/490-858) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving GOEBEL, TO SERVE HARRISON PARK SECOND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## ORDINANCE NO. 45-904

ff) (472-83617/490-864) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving GROVE COURT, TO SERVE PINE BAY ESTATES, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-869

gg) (472-81973/490-645) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving LEFT TURN AND DECEL LANE ON 21ST AT CLUBHOUSE DRIVE, TO SERVE TALLGRASS EAST THIRD AND FOURTH ADDITIONS, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-868

hh) (472-81901/490-646) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving A DECEL LANE ON THE NORTH SIDE OF 21ST ST. N, TO SERVE TALLGRASS EAST COMMERCIAL ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-877

ii) (472-83231/490-743) An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving DECEL AND LEFT TURN LANES ON 21ST ST N, TO SERVE LEGACY PARK WILSON ESTATES ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

jj) (472-83271/490-762) - (This Item was deferred on 10-07-03)

## ORDINANCE NO. 45-880

kk) (472-83284/490-765)- An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving THE NORTH-SOUTH ALLEY BETWEEN WASHINGTON AND IDA, FROM MORRIS TO GILBERT, TO SERVE KELSCH THIRD & HEPHNER ADDITIONS, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 45-905

ll) (472-89243/490-647) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving AN EASTBOUND DECEL LANE ON THE SOUTH SIDE OF 21ST ST, TO SERVE HANLEY SECOND AND HANLEY COMMERCIAL ADDITIONS, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.



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## PLANNING AGENDA

### **CUP2003-00044-DP53#5 CUP2003-00044-DP53 #5-AMEND PARCEL 3A TO REMOVE RESTRICTION ON DRIVE-THRU RESTAURANT, AMEND ARCHITECTURAL REQUIREMENTS AND ADD AN ACCESS POINT ON PROPERTY ZONED LIMITED COMMERCIAL. GENERALLY LOCATED AT THE NORTHWEST CORNER OF BOSTON AND WEBB ROAD. (DISTRICT II)**

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 03-1097

The applicant is requesting to amend Parcel 3A of DP-53 Quail Meadows Community Unit Plan. Parcel 3A is a 1.1 acre tract zoned "LC" Limited Commercial that is located on the northwest corner of Webb Road and Boston Street. Currently a restaurant is permitted on Parcel 3A, but a drive-in or drive-through window is prohibited. The requested amendment would remove this restriction. The requested amendment also would remove the requirement that any nonresidential building on the parcel be designed with a residential character. Instead, the architectural requirement would be to use predominately earth-tone colors with vivid colors limited to incidental accent. Finally, the amendment would allow an additional access point on Webb Road.

Originally, the applicant also requested to reduce the northern building setback line from 30 feet to 10 feet; however, this reduction had been granted by a previous amendment, so can be removed from consideration in the current request. Amendment #3 reduced the setback to 10 feet and added a screening wall requirement along the northern boundary of Parcel 3A.

Quail Meadows is a large community unit plan that covers a quarter section of land located at the northwest corner of Harry and Webb Road. A Dillon's Super Store is located on Parcel 2 nearest the intersection; this parcel is zoned "LC" Limited Commercial and is located immediately south of the subject tract. An office and a day care, both of which are located on parcels zoned "GO" General Office, are located west of the subject tract. The remainder of the C.U.P. is developed residentially with a range of dwelling types and densities. Parcel 4 borders the subject tract on the north. It is zoned "TF-3" Two-family residential but developed with Fox Run, a 16-acre garden apartment complex.

The property to the east of Webb Road is developed with Coventry condominiums. Harrison Park is located to the northeast, and more commercial development is located to the southeast of the site.

At the MAPC meeting held September 18, 2003, MAPC voted (11-0) to approve subject to staff conditions recommended. MAPC discussed issues related to audibility of the order board, lighting restrictions on the north elevation, and hours of operation. Recommended conditions were:

1. General Provision #8 shall be modified to reflect the wall requirement approved by Amendment #3.
2. Add the following to Parcel 3A Proposed Uses: The speaker order board shall not project sound so as to be audible from the apartment buildings to the north or the day care center to the west, or any other residential use in the vicinity.
3. General Provision #12 shall be modified to allow one freestanding monument-type sign limited to a maximum height of 20 feet and 60 square feet of gross surface area.
4. Add to General Provision #13: Metal shall not be permitted as the predominant material on any façade.
5. The access point on Parcel 3A shall be limited to right-in/right-out movements only by channelization improvements that prohibit left turns onto Webb Road.

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6. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

7. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

8. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

9. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Opposition to the requested amendment was presented by a nearby office use. Concerns were increased traffic on Boston and Breckenridge, lowering the property values of the existing office uses on Boston, changing the residential character of the office development, noise, trash, and effect of the drive-through window on the adjoining day care center. A representative of the Coventry HOA condominium located directly across Webb was present and expressed opposition. She said the residents were concerned with traffic impact on Webb Road and also for the safety of pedestrians crossing Webb Road to the park. She noted that the design of the building was not neighborhood like, lighting would be an issue, and they felt restaurant patrons would use the condominium driveway for U-turns. Other residents had expressed concern to staff prior to the meeting about the difficulty of entering and exiting Webb Road to their homes, and that an additional opening onto Webb for the new restaurant would make it worse. These residents also were concerned about the effect of neon tube type lighting and signs on the east façade of the building and late evening hours.

The requested amendment did not require a zone change, therefore no legal protest is permitted. The letter of opposition is treated as an appeal of the MAPC decision, but does not invoke protest vote requirements. This item was not sent to the District Advisory Board. One option would be to send the item to them for review.

Motion--carried

Schlapp moved that his Item be referred back to the District Advisory Board. Motion carried 7 to 0.

**DR2003-009**

## **DR2003-009-SIX MONTH STAFF REVIEW OF THE DELANO NEIGHBORHOOD DESIGN GUIDELINES. (DISTRICT IV)**

Agenda Report No. 03-1098

On April 11, 2003, City Council adopted the Delano Neighborhood Overlay District and Delano Neighborhood Design Guidelines. The Guidelines contained the provision that, "Every six months following the adoption of the Delano Neighborhood Overlay District, the Delano Neighborhood Design Guidelines shall undergo a formal review and evaluation by staff regarding its effectiveness and the need for amendment or change".

October 11, 2003 marked the six-month anniversary of the adoption of the Delano Neighborhood Overlay District and Design Guidelines. In order to assist with the required staff evaluation and review of the Design Guidelines, input was received at a meeting of the design Review Committee (three senior city staff) and the Design Advisory Committee (nine appointed members at large) held on October 1, 2003. A table was prepared that summarized, by key performance categories, all design review applications received and reviewed as of October 1, 2003.

A total of 10 applications have been received and reviewed by the Design Review Committee since April 11, 2003. One of these applications also necessitated review by the Design Advisory Committee.

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The role of the Design Advisory Committee is to provide recommendation to the Guideline requirements. Eight of the 10 applications involved commercial properties (five signs and three awning/siding modifications) along West Douglas Street, while the remaining two applications were for residential properties (one residential addition and one new residence construction) in the neighborhood. Average decision time of the Design Review Committee is one day, with an average application response time of 3.7 days. All 10 applications were approved and no applicants have filed an appeal to City Council. Furthermore, staff has not received any complaints from the applicants regarding the Delano Design Guidelines.

Based upon the applications received thus far, both the Design Review Committee and the Design Advisory Committee agreed that no applicant hardships or technical problems with the Design Guidelines have arisen. Accordingly, no changes or modifications to the Delano Design Guidelines are needed or recommended at this time.

Alternatives: Two options are now available to Council:

- a.) Receive the report and recommendation as information.
- b.) Other action as deemed appropriate by Council.

There are no financial implications for the City associated with the Delano Neighborhood Design Guidelines.

There are no legal implications associated with the Delano Design Guidelines as presently adopted.

Motion--  
--carried

Mayans moved that the report and recommendation as information be received. Motion carried 7 to 0.

VAC2003-18

**VACATE2003-18-VACATE A PORTION OF A PLATTED EASEMENT AND A PLATTED BUILDING SETBACK LINE GENERALLY LOCATED NORTHEAST OF THE 37TH STREET NORTH-ROCK ROAD INTERSECTION. (DISTRICT II)**

Agenda Report No. 03-1099

The applicant is requesting consideration for the vacation of a portion of the platted 40-foot utility easement and 35-foot building setback line as recorded on Lot 6, Block 1, Hi-Tech Industrial Park 2nd Addition. The Hi-Tech Industrial Park 2nd Addition was recorded with the Register of Deeds in 1986.

Analysis: A Hotel-Restaurant that has built over portions of the platted easement and platted setback. VAC-1484 vacated 387-feet of Comotara Street, north of the existing cul-de-sac, and a platted 50-foot setback that ran parallel to the street. The platted setback was on the North Point Industrial Park Addition, which is the abutting property east of the site. The vacation did not vacate the platted 35-foot setback on the site, which is in the Hi-Tech Industrial Park 2nd Addition. Platted setbacks do not automatically move with new property lines, in this case the property line moved with the reversion of Public ROW. Current UZC interior side setbacks for the "LI" zoning district is zero-feet. V-1668 vacated a utility easement located on the northeast side of the site. The vacation of the platted setback

There is no water in the easement proposed for vacation. A sewer line and a manhole in the easement proposed for vacation is private and a public manhole has been placed, per City Standards and at the applicant's expense, outside the easement proposed for vacation.

A certified copy of the Vacation Order will be recorded with the Register of Deeds. The applicant has relocated the sewer line and manhole out of the platted easement, per City Standards and at the applicant's expense

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

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VAC2003-26

## **VAC2003-26-VACATE EASEMENTS GENERALLY LOCATED SOUTHEAST OF LINCOLN STREET AND BROADWAY STREET. (DISTRICT I)**

Agenda Report No. 03-1100

The applicant is requesting consideration to vacate that portion of the easement abutting the Reserve of Zimmerly's 2nd Addition from Topeka Avenue to Emporia Avenue and abutting Lots 17 and 18, Zimmerly's 2nd Addition and abutting Lots 17 through 34, inclusive, Zimmerly's 2nd Addition. . The Zimmerly's 2nd Addition was recorded with the Register of Deeds in 1891.

Analysis: Because of a future encroachment, by proposed expansion of Lincoln Elementary, the easements are proposed to be vacated and maintained as a private sewer line. The easements were retained by the vacation of what was then a west to east alley connecting Emporia and Topeka and a north to south alley intersecting the east to west alley on the north and intersecting Bayley Street on the south; VAC-0525. The applicant owns all abutting properties. There is sewer and a manhole at approximately the point of intersection of the two easements and the length of the north to south easement. There is no water or other utilities in the easement. Portions of the USD 259 property are within a Historical Environs.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order and a private sewer line agreement will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

VAC2003-42

## **VAC2003-42-VACATE PLATTED ACCESS CONTROL GENERALLY LOCATED NORTHEAST OF THE HYDRAULIC AVENUE-I-135 INTERCHANGE. (DISTRICT III)**

Agenda Report No. 03-1101

The applicant proposes vacation of the current complete access control along the Hydraulic Avenue side of Lot 2, Block 1, I-135 Power Center Addition. The I-135 Power Center Addition was recorded 09-26-1994.

Analysis: Currently there is complete access control, except for one opening, along the Hydraulic side of Lot 2. There is a proposed lot split of Lot 2, Block 1, I-135 Power Center Addition associated with this request to vacate access control. The lot split creates a new lot out of a south portion of Lot 2 where it abuts Lot 3, Block 1, I-135 Power Center Addition.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order, dedication of cross lot access and dedication of access control will be recorded with the Register of Deeds, completion of the Lot Split.

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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**SUB 2003-14**

**SUB 2003-14-PLAT OF HARRIS ELEMENTARY SCHOOL ADDITION, LOCATED EAST OF WOODLAWN, NORTH OF CENTRAL. (DISTRICT II)**

Agenda Report No. 03-1102

This unplatted site, consisting of one (1) lot (9.02 acres), is located within the City Limits. This site is zoned "SF-5", Single-Family Residential District. Municipal services are available to serve the site.

This site is located within the noise impact area of McConnell Air Force Base; therefore, a Restrictive Covenant and an Avigational Easement has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Restrictive Covenant and Avigational Easement will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and plat be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

**SUB 2003-40**

**SUB 2003-40-PLAT OF COUNTRY PLACE GREENS ADDITION, LOCATED ON THE NORTH SIDE OF 13TH STREET NORTH, WEST OF WEBB ROAD. (DISTRICT II)**

Agenda Report 03-1103

This site, consisting of 50 lots (16.8 acres), is a replat of Lot 48, Block 1, Country Place Estates Addition. The plat is associated with the Country Place Greens CUP (DP-89).

This site is located within the City Limits. Municipal services are available to serve the site.

This site is located within the noise impact area of McConnell Air Force Base; therefore, a Restrictive Covenant and an Avigational Easement has been submitted. Included in the Covenant, is the provision that provides for the creation of a lot owners' association and ownership and maintenance of the reserves. A Restrictive Covenant has also been submitted regarding the ownership and maintenance of a private street.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Restrictive Covenants (2) and Avigational Easement will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and plat be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

**SUB 2003-43**

**SUB 2003-43-PLAT OF ELIOT ADDITION, LOCATED WEST OF TYLER ROAD AND ON THE SOUTH SIDE OF MACARTHUR ROAD. (DISTRICT IV)**

Agenda Report 03-1104

This site, consisting of one lot (1.9 acres), was recently annexed into the City of Wichita. A zone change (ZON 2002-54) from "SF-20" Single-Family Residential District to "GC" General Commercial District has been approved for this site, subject to platting.

Petitions (100%) for future water, sewer and paving improvements; and Certificates of Petitions have been submitted. As per City Engineering, a Cross-lot Drainage Agreement has also been submitted. The site is within the noise impact area of Wichita Mid-Continent Airport; therefore, an Avigational Easement and Restrictive Covenant was submitted. An Off-site Dedication of Access Control along MacArthur Road for adjacent property to the west has been submitted.

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This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificates of Petitions, Cross-lot Drainage Agreement, Avigational Easement, Restrictive Covenant and Dedication of Access Control will be recorded with the Register of Deeds.

Motion--

-- carried

Mayans moved that the documents and plat be approved; the Resolutions be adopted and first reading of the Ordinance approved with publication being withheld until such time as the Plat is recorded with the Register of Deeds. Motion carried 7 to 0.

## RESOLUTION NO. 03-542

Resolution of findings of advisability and Resolution authorizing construction of water Distribution System Number 448-89876 (west of Tyler, south of MacArthur) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-543

Resolution of findings of advisability and Resolution authorizing construction of Lateral 494, Southwest Interceptor Sewer (west of Tyler, south of MacArthur) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-544

Resolution of findings of advisability and Resolution authorizing constructing a left turn lane on MacArthur Road water Distribution System Number 448-89876 (west of Tyler, south of MacArthur) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON 2002-54

SUB 2003-51

### **SUB 2003-51-REPLAT OF PLAT OF HARBOR ISLE THIRD ADDITION, LOCATED EAST OF MERIDIAN, SOUTH OF 53RD STREET NORTH. (DISTRICT VI)**

Agenda Report No. 03-1105

This site, consisting of 21 lots (9.7 acres), is a replat of a portion of Harbor Isle Third Addition. This site is zoned "SF-5" Single-family Residential District.

Petitions, (100%), has been submitted for water, sewer and paving improvements; and a Certificate of Petitions have been submitted. The applicant has also submitted a Restrictive Covenant that provides four (4) off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petition and Restrictive Covenant will be recorded with the Register of Deeds.

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Motion--  
--carried

Mayans moved that the documents and plat be approved; the Resolutions be adopted and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. 03-545

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89473 (east of Meridian, south of 53rd Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-546

Resolution of findings of advisability and Resolution authorizing construction of Lateral 101, Sanitary Sewer No. 23, ((east of Meridian, south of 53rd Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## SUB 2003-65

### **SUB 2003-65-PLAT OF RIVENDALE ADDITION, LOCATED ON THE NORTH SIDE OF 55TH STREET SOUTH, ON THE WEST SIDE OF HYDRAULIC. (DISTRICT III)**

Agenda Report No. 03-1106

This unplatted site, consisting of 182 lots (70.26 acres), is located within the City limits. The site is zoned "SF-5" Single-Family Residential District.

Petitions, all 100%, and a Certificate of Petitions have been submitted for drainage, paving, sewer, and water improvements. Restrictive Covenants were submitted to: 1) provide four (4) off-street parking spaces per each dwelling unit on each lot that abuts a 58-foot street, and 2) provide for the ownership and maintenance of the reserves. An Off-site Drainage and Utility Easement has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, Restrictive Covenants (2) and Off-site Drainage and Utility Easement will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and plat; the necessary signatures be authorized and the Resolutions be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 03-548

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89886 (north of 55th Street South, west of Hydraulic) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-549

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89887 (north of 55th Street South, west of Hydraulic) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## RESOLUTION NO. 03-550

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89889 (north of 55th Street South, west of Hydraulic) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

## RESOLUTION NO. 03-551

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89890 (north of 55th Street South, west of Hydraulic) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-552

Resolution of findings of advisability and Resolution authorizing construction of Lateral 94, Main 1, Southwest Interceptor Sewer 468-83714 (north of 55th Street South, west of Hydraulic) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-553

Resolution of findings of advisability and Resolution authorizing construction of Lateral 95, Main 1, Southwest Interceptor Sewer 468-83715 (north of 55th Street South, west of Hydraulic) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-554

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 216 468-83717 (north of 55th Street South, west of Hydraulic) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-555

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 217 468-83718 (north of 55th Street South, west of Hydraulic) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-556

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 495 – 468-83719 (north of 55th Street South, west of Hydraulic) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.



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## RESOLUTION NO. 03-557

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 596 – 468-83720 (north of 55th Street South, west of Hydraulic) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-558

Resolution of findings of advisability and Resolution authorizing improving Victoria Ct., from Victoria east to and including the cul-de-sac, to serve Lots 8 through 19, Block C. Mona, from Hydraulic west to the west line of Lot 18, Block A. Ellis from Pattie north to Mona. Bictoria, from the south line of Lot 6, Block E, north to Mona. Sidewalk to be constructed along one side of Mona and Victoria, (north of 55th street south, west of hydraulic) 472-83866, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-559

Resolution of findings of advisability and Resolution authorizing improving Mona Cir., from Pattie west to and including the cul-de-sac, on Pattie Ct., from Pattie west to and including the cul-de-sac, on Victoria Ct., from Victoria east to and including the cul-de-sac, to serve Lots 20 through 25, Block C. Mona, from the north line of Mona Cir., east to the west line of Lot 18, Block A, on Pattie, from the south line of lot 26, Block B, north to the north line of Mona Cir., on Victoria, from the south line of Lot 10, Block E, south to Lot 6, Block E. Sidewalk constructed along one side of Mona, Pattie, and Victoria, 472-83867, (north of 55th Street South, west of Hydraulic) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-560

Resolution of findings of advisability and Resolution authorizing improving Maywood Cir. from Laura west to and including the cul-de-sac. On Laura, from 55th Street South. North to the south line of Maywood Cir. On Maywood Ct., from Maywood, south to and including the cul-de-sac. Sidewalk to be constructed along one side of Laura, 472-83869, (north of 55th Street South, west of Hydraulic) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-561

Resolution of findings of advisability and Resolution authorizing improving left turn bay improvements on Hydraulic to serve Mona, 472-83870, (north of 55th Street South, west of Hydraulic) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-562

Resolution of findings of advisability and Resolution authorizing improving left turn bay improvements on 55th Street South to serve Laura, 472-83871, (north of 55th Street South, west of Hydraulic) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## RESOLUTION NO. 03-563

Resolution of findings of advisability and Resolution authorizing improving of Main 15, Sanitary Sewer 23, 468-83682, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

### AIRPORT AGENDA

#### AIRPORT

#### S.A. NO. 1-ENTERPRISE RENT A CAR-USE OF SPACE-TERMINAL BUILDING.

Agenda Report No. 03-1107

On April 15, 2003, an agreement was approved between the Wichita Airport Authority and Enterprise Rent A Car. This agreement allowed Enterprise to serve airport travelers as an "on-airport" operator, and provided for the use of 53 sq. ft. of counter space in the terminal building on Wichita Mid-Continent Airport. Enterprise Rent A Car had served airport travelers as an "off-airport" rental car agency since March 1993, and became an on-field operator as of May 1, 2003.

Enterprise is interested in leasing an additional 167 sq. ft. behind the counter area they currently occupy, in order to provide space for supplies and equipment.

Revenue to the WAA for use of this area will be \$356.41 per month. This rate shall be adjusted December 1, 2003.

Motion--  
--carried

Mayans moved that the Supplemental Agreement No. 1 be approved and the necessary signatures be authorized. Motion carried 7 to 0.

#### AIRPORT

#### AIRLINE USE AGREEMENTS – AIR WISCONSIN AIRLINES, GREAT LAKES AIRLINES AND AIR MIDWEST.

Agenda Report 03-1108

AirTran previously provided three flights to Atlanta; however, market conditions resulted in a decrease to two flights in mid-April, 2003. Mesa Airlines has operated three flights on behalf of Frontier Jet Express to Denver. Both airlines are requesting changes to serve this market. Air Midwest currently occupies space in the terminal building and is desirous of canceling their agreement.

Effective October 4, 2003, Air Wisconsin Airlines will fly one roundtrip per day between Wichita and Atlanta for AirTran Airways. The service will be operated as AirTran JetConnect, using CRJ aircraft, and will restore the previous frequency to Atlanta offered by AirTran. Effective November 1, 2003, Great Lakes Airlines will begin service as Frontier Jet Express and will provide three Wichita-Denver flights using 30-seat Embraer 135 aircraft. This service will replace that currently provided by Mesa. A use agreement will be required for both Air Wisconsin and Great Lakes. These agreements will offer the same terms and conditions as those offered to other passenger-carrying airlines.

The use agreement establishes the basis for consistently calculating the rates that apply to signatory passenger airlines at Wichita Mid-Continent Airport. The current landing fee rate is \$1.51 per thousand pounds of maximum gross landed weight. In addition, Great Lakes will lease 2,804 sq. ft. of space previously occupied by Air Midwest, at a monthly rate of \$8,118. A security deposit equal to two month's fees is required of each airline.

Motion--  
--carried

Mayans moved that the Airline Use Agreements with Air Wisconsin and Great Lakes be approved; the Agreement with Air Midwest cancelled and the necessary signatures authorized. Motion carried 7 to 0.

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## AIRPORT

### **POLICE DEPARTMENT – USE OF FACILITY AGREEMENT, MIDWEST CORPORATE AVIATION: RIGHT OF FIRST REFUSAL.**

Agenda Report 03-1109

In 1983, Midwest Corporate Aviation (MCA) constructed a 7,600 sq. ft. aviation hangar and office facility located at 3340 Jabara Road on Colonel James Jabara Airport. Initially, the facility was subleased by Wesley Medical Center for its LifeWatch program, and was designed for helicopter and fixed-wing emergency flights by the hospital's professional medical staff and emergency services area. In 2001, Wesley discontinued using the facility and MCA took back possession of the building. The current lease agreement ended May 31, 2003. MCA has two ten-year options to renew the agreement, but has elected not to do so at this time.

The City of Wichita Police Department is interested in leasing the facility for a ten-year period commencing January 1, 2004. Rentals during option periods will be at fair market value. The facility will be used to house equipment associated with the Police helicopter program and other specialty unit equipment. Midwest Corporate Aviation has requested a right-of-first refusal to lease the facility in the event that the City does not exercise its renewal options.

Rental for the facility over the initial term of the lease will be \$22,500 per year. The 2004 Adopted budget for Police includes funding for hangar rental for the Helicopter Unit.

Motion--carried

Mayans moved that the Agreements be approved and the necessary signatures authorized.

## AIRPORT

### **AIR SERVICE CONSULTING SERVICES.**

Agenda Report 03-1110

To assist City staff in air service development, it is necessary from time to time to engage the services of consulting firms who daily deal with air transportation economics and route planning.

Three years ago the City engaged a firm to help develop the Fair Fares program. Several other consultants have also been hired to assist as required to attract and sustain air service. Air service consultants can help to develop proposals to obtain or strengthen service as well as participate in negotiations. It is now time to engage a consultant to help renew Wichita's air service plans and strategies.

It is estimated that the services over the next few years may cost as much as \$100,000 which is available from the Airport fund.

Motion--

Mayans moved that the advertising, selection and contract negotiations with necessary air service consultants be approved and the addition of \$100,000 as required be authorized. Motion carried 7 to 0.

--carried

## AIRPORT

### **AIRFIELD PAVEMENT-TERMINAL APRON PHASE I & II AND RUNWAY 1R/19L SHOULDER/BLAST PAD REHABILITATION, SHORT-TERM PARKING LOT RECONSTRUCTION.**

Agenda Report 03-1111

The Wichita Airport Authority approved a project for the rehabilitation of the Terminal Apron (Phases I and II) and rehabilitation of Runway 1R/19L shoulders and blast pads and Short-Term Parking Lot rehabilitation.

The change order adjusts quantities to reflect what was built.

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The change order will result in an increase of \$12,986 to the Terminal Apron Rehabilitation, and an increase of \$350 to the Runway Shoulder Rehabilitation. The budget for each element of the work will need to be adjusted by the indicated amount. The project is being funded with an FAA grant, Passenger Facility Charges, and Airport Revenue.

The change order has been approved by the Law Department and will be forwarded to the FAA for approval.

Motion--  
--carried

Mayans moved that the change order and adjustment to capital project budgets be approved. Motion carried 7 to 0.

## AIRPORT

### AIRFIELD PAVEMENT TAXIWAY "L" CONSTRUCTION, TAXIWAY "J" WIDENING, AND COMPASS ROSE CONSTRUCTION.

Agenda Report No. 03-1112

The 2003 Capital Improvement Program includes Airfield Pavement. The majority of this project is a portion of the commitment of the City of Wichita to Bombardier.

Statements of Qualifications for design services were solicited from consulting firms and one firm, Professional Engineering Consultants, responded. Professional Engineering Consultants is qualified to provide the services and was selected, with concurrence from the Staff Screening and Selection Committee.

The cost of the design and bid phase services is \$185,705. The project has been submitted to the FAA to determine eligibility. G.O. bonds paid with airport revenue will be used to fund the expenses the FAA determines to be ineligible for grant funding. The total project is estimated to cost \$2,150,000.

The Law Department has approved the contract. FAA approval of the contract is pending.

Motion--  
--carried

Mayans moved that the project, budget and design Contract be approved; the necessary signatures be authorized; and the Resolution be adopted. Motion carried 7 to 0.

### RESOLUTION NO. A03-12

A Resolution declaring that a public necessity exists for, and the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements, the estimated costs thereof; and the manner of payment of same, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

### HOUSING AGENDA

(Voting Representative Inafay Grays-McClellan absent).

## SECTION 8/HUD

### 2004 SECTION 8 (S8) VOUCHER AND MOD HUD BUDGETS.

Mark Stanberry

Director of Housing Services reviewed the item.

Agenda Report No. 03-1113

The Department of Housing and Urban Development (HUD) requires that the Wichita Housing Authority (WHA) annually submit Section 8 Voucher and Moderate Rehabilitation budgets for approval by the Department of Housing and Urban Development (HUD). The budget estimates the Housing Assistance and Administrative Fees necessary to accommodate the number of Section 8 Housing Assistance vouchers HUD has allocated for the City's Housing Authority. The Section 8

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Voucher program allows a client to locate his or her own rental housing unit, and the City's Housing Authority pays housing assistance to the Landlord based on the client's household income. Under the Moderate Rehabilitation program a client must live in a Housing Project that HUD has contracted with to provide housing for low-income client. Housing assistance is paid to the Project based on the client's household income.

The budget submittal was due October 1, but it was necessary to obtain additional information from HUD prior to submission. The timing of the submission deadline did not coincide with the City Council meeting calendar for the month of September.

Listed below is a schedule of the "funds required" to complete the 2004 grant year for the Voucher and MOD programs. The budget will be totally funded by HUD with funds allocated for the Wichita Housing Authority.

	<u>Sec. 8 Voucher Budget</u>	<u>Moderate Rehab Budget</u>
FSS Coord. Grant	\$ 105,932	\$ 0
Housing Pymnts	\$11,555,544	\$214,368
Admin. Fee	\$ 1,308,350	\$ 3,756
Hard to House	\$ 37,500	\$ 0
Audit Costs	<u>\$ 6,000</u>	<u>\$ 500</u>
Total Funds Req.	\$ 13,013,326	\$ 48,624

The Voucher Budget is based on providing 2,366 families (or single individuals) housing assistance for twelve months and MOD is based on providing 58 families (or single individuals) assistance for twelve months.

The budgets are completely funded by HUD grants. There is no impact on the City's non-federal budget.

Wichita Housing Authority Board approval is required for grant submittal.

Motion-- Mayans moved that the Housing Services Director's signature on the 2004 Section 8 Voucher and Moderate Rehabilitation Housing Assistance Grants are retroactively approved. Motion carried --carried 7 to 0. (Tenant Representative Inafay Grays-McClellan absent).

## **EXECUT. SESSION**      **EXECUTIVE SESSION.**

Motion-- Mayans moved that the City Council recess into Executive Session at noon to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to: Potential Litigation; Legal Advice; Preliminary Discussions relating to the acquisition of real property for public purposes; matters relating to employer-employee negotiations, and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 12:35 P.M. and reconvene in the City Council Chambers. Motion carried --carried 7 to 0.

RECESS The City Council recessed at 12:35 P.M. and reconvened in the Council Chambers at 12:38 P.M.

Mayor Mayans Mayor Mayans announced that no action was taken as a result of the Executive Session.

Adjournment The City Council meeting adjourned at 12:40 P.M.

Karen Schofield  
City Clerk

Workshop followed City Council Meeting regarding CIP.